

JOURNAL

OF THE

SENATE,

OF THE THIRD ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF

THE STATE OF ALABAMA;

begun and held in the Capitol, in the town of
Tallahassee, on the first Monday of November,
in the year of our Lord, one thousand eight
hundred and twenty one, and the forty sixth
year of American independence.

CHAS. W. BAKER

1824

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JOURNAL OF THE SENATE.

On the fifth day of November, in the year of our Lord, one thousand eight hundred and twenty one, being the day fixed by law for the meeting of the legislature; the following members of the Senate appeared and took their seats, to wit: From the

County of Dallas Thomas Casey,
St. Clair, David Conner,
Clarke, Jos. B. Chambers,
Limestone, Nicholas Davis,
Concepcion, John Deveraux,
Morgan, J. W. Garth,
Bibb, Charles A. Dennis,
Malheur, John Elliott,
Mont'ry. John Gause,

Tuskaloosa, Thomas Hogg,
Franklin, William Lucas,
Adair, Howell Ross,
Marion, John D. Terrell,
Washington, William Trotter,
Shelby, Beupitt Ware,
Madison, Isaac Lamer,
Monroe, William Wingate,
Lauderdale, Hugh McVay.

On motion of Mr. Gause, Mr. Rose was called to the chair.

On motion of Mr. Casey, Mr. Dick was appointed Secretary, *pro tem*.

On motion of Mr. Gause the Senate received the certificates of election, of Isaac Lanier, from Madison county; Nicholas Davis, from Limestone; William Wingate, from Monroe, and Hugh McVay, from Lauderdale, in the room of Gabriel Moore; Nicholas Davis and John Watkins resigned; and Joseph Farmer, deceased.

On motion of Mr. Chambers, resolved, That the Senate do now proceed to the election of a President thereof. Whereupon, the election being conducted *viva voce*, it appeared that the honourable John D. Terrell, from Marion, was elected, who being conducted to the chair returned his acknowledgements to the House, and proceeded to the duties thereof.

On motion of Mr. Rose, *Resolved*, That the Senate do now proceed to the election of a Secretary, and the election having been constitutionally conducted, it appeared that Francis S. Lyon was elected, who was qualified and proceeded to the duties thereof.

On motion of Mr. Casey, *Resolved*, That the Senate do now proceed to the election of an assistant Clerk, and the election being conducted *viva voce*, it appeared that George V. Dick was unanimously elected.

On motion, *Resolved*, That the Senate do now proceed to the election of a door keeper thereof, and the election being conducted *viva voce*, it appeared that M. W. McClellan was duly elected.

On motion, *Resolved*, That the Senate do now adjourn until to morrow morning 10 o'clock.

Tuesday, November 5, 1821.

The Senate met pursuant to adjournment.

Mr. Gabriel Henry, a senator from the county of Blount, appeared this day and took his seat.

On motion of Mr. Casey, the following resolution was adopted: *Resolved*, That a message be sent to the House of Representatives, to in-

form them that a quorum of the Senate is assembled: that they have elected the hon. John D. Terrell, their President; Francis S. Lyon, their Secretary, and M. W. McClellan, doorkeeper; and that the Senate are ready to proceed to business, a message was sent accordingly.

On motion of Mr. Casey, *Resolved*, That the rules and orders established by the Senate at their regular session, in 1820, be deemed and taken to be the rules and orders of proceeding to be observed, until a revision or alteration of the same shall take place.

On motion of Mr. Casey, *Resolved*, That the following standing committees be appointed, to wit: a joint committee on enrolled bills; a committee on privileges and elections; a committee on the judiciary; a committee of revision and unfinished business; a committee on roads, bridges and ferries; a committee on school and university lands.

The oath prescribed by the Constitution, and also, by the act of the General Assembly, entitled, "An act to suppress duelling," was administered to Messrs. Lanier, Wingate, McVay and Davis, senators elected since the last session of the General Assembly.

On motion of Mr. Gause, *Resolved*, That a committee of members be appointed on county boundaries. Mr. Gause moved to fill the blank with "three," which was decided in the affirmative; and Messrs. Gause, Rose and Casey, were appointed said committee. On motion of Mr. Chambers, Messrs. Devereux and Dennis, were added to said committee.

On motion of Mr. Davis, the following additional rule for the government of the Senate was adopted, to wit: That no bill or joint resolution, shall be amended with any extraneous matter.

A message from the House of Representatives, by Messrs. Moore and Armstrong: *Mr. President, and Gentlemen of the Senate*: We are directed to inform your honourable body, that a quorum of the House of Representatives is assembled, and have appointed James Bellet, from Monroe, their Speaker; Nathaniel Dodson, clerk, and William T. Gamble, door keeper; and are now ready to proceed to business. We are also instructed to inform your honourable body, that the House of Representatives have resolved, that a committee of two members of this House be appointed to act with a committee to be appointed on the part of the Senate, to wait on the acting Governor, and inform him, that the two Houses are now organized and ready to receive any communication he may please to make.

Received from the House of Representatives, by Messrs. Williams and Weedon, a message informing the Senate, that the House of Representatives will receive them in the Representative hall this day at 12 o'clock, for the purpose of counting out the votes for Governor of this state.

Mr. Chambers moved, that the message from the House of Representatives, informing the Senate that they had resolved, that a committee of two members be appointed on their part, to act with such committee as may be appointed on the part of the Senate, to wait on the acting Governor and inform him that the two Houses are organized, and ready to receive any communication he may please to make, be

laid on the table for the present; and the ayes and nays being desired, it passed in the affirmative. Ayes 15---Nays 4.

Those who voted in the affirmative; are

Messrs. President, Carey, Conner, Chambers, Deveraux, Dennis, Elliott, Gause, Hagg, Hogg, Lucas, Lanier, Rose, Trotter and Wingate.

Those who voted in the negative; are

Messrs. Davis, Garth, McVay and Ware.

On motion of Mr. Rose, the following resolution was adopted: Resolved, That a committee be appointed to inform the House of Representatives that the Senate will be ready to meet them in their chamber, agreeably to notice, in order to count out the votes for Governor. Messrs. Rose and Conner were appointed said committee.

On motion the Senate adjourned till morning at 10 o'clock.

Wednesday, Nov. 7, 1821.

The Senate met pursuant to adjournment.

In pursuance of an order of the Senate, Mr. President reported the following standing committees; to wit:

A committee on enrolled bills, to consist of Messrs. Gause, Ware, and Wingate.

A committee on privileges and elections, to consist of Messrs. Garth, Hogg, Lanier, and Deveraux.

A committee on the judiciary, to consist of Messrs. Elliott, Davis, Lucas, Garth and Casey.

A committee of revisal and unfinished business, to consist of Messrs. Trotter, Deveraux and McVay.

A committee on roads, bridges and ferries, to consist of Messrs. Lucas, Dennis and Conner.

A committee on School and University lands, to consist of Messrs. Rose, Chambers, Casey, Gause and Wingate.

On motion of Mr. McVay, the resolution from the House of Representatives, proposing to appoint two members on their part, to act with such committee as may be appointed on the part of the Senate, to wait on the acting Governor and inform him that the two Houses are now organized, and ready to receive any communication he may please to make, was taken up, and on the question being put "shall the Senate concur in said resolution; the ayes and nays being desired; it passed in the affirmative. Ayes 12---Nays 4.

Those who voted in the affirmative, are

Messrs. President, Carey, Conner, Chambers, Deveraux, Dennis, Hagg, Hogg, Lucas, McVay, Trotter, Ware and Wingate.

Those who voted in the negative, are

Messrs. Davis, Garth, Gause and Hogg.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. McVay, from the committee appointed on the part of the Senate, to wait on the acting Governor and inform him that the two Houses are now organized and ready to receive any communication he may please to make, Reported, That the committee had performed that duty, and received for answer, that His Excellency would make a communication in writing this day, at the hour of 11 o'clock.

Mr. Garth gave notice, that on Friday next he would ask for leave to introduce a bill, having for its object to prevent from executions crops planted, until, they are matured and fit for gathering.

Mr. Handy gave notice, that on to-morrow he would ask for leave to introduce a bill, to ascertain the dividing line between Blount and Jefferson counties.

11 o'clock.

Received a message from His Excellency, the acting Governor, by Mr. James J. Pleasants, Secretary of State; which, with the accompanying documents, was read as follows, to wit:

Gentlemen of the Senate, and of the House of Representatives,

The period for the annual meeting of the Legislative department of the government having again arrived, it becomes the duty of the Executive to lay before you such information as is in his possession, relative to the state of our public affairs, and to recommend, for your consideration, such measures as by him may be deemed expedient, tending to promote the general welfare.

In the discharge of this duty, I have first to inform you, that, the reservation of two Townships of land in conformity with the 4th section of the act of Congress for the admission of this state into the Union, for the purposes of endowing a State University has been completed; and that patents for the same in favour of the state are daily expected; a schedule of the tracts reserved is herewith transmitted marked A.

It will be unnecessary for me to dilate the very great importance to this state, of this act of munificence on the part of the general government, or the immense advantages which the state may derive from a judicious disposition of these lands. The diffusion of knowledge among all classes of our fellow-citizens, is so essential to the happiness of the people and the preservation of our republican institutions, that every thing connected with it, or in any way calculated to favour it, cannot fail to excite the deepest interest and call forth the most anxious solicitude. For myself, I conceive that there is no subject, which will, at this session, come under your notice of so much importance, and which will require so great a share of your deliberate consideration; I have not failed to give it my most attentive consideration, and you will, I trust, permit me to give you the result of my reflections.

It will be admitted by all, that our object should be, so to dispose of the land as to ensure the greatest annual income at the least expense. To effect this object, two modes of disposition present themselves; first, to reserve the fee simple of the lands in the state, to lease them, and to seek for the income from the rent; second, to sell them at once and convert the proceeds into a cash capital, to be vested in Bank stock, which may be expected to yield an annual profit; of these two modes, I am decidedly in favour of the latter. The disadvantages of renting arise from the waste and destruction of the lands, incident to their cultivation, the frequent negligence and indifference of the lessees to the judicious management of the soil, they not feeling a permanent interest in its preservation, the danger of loss of the rent from their occasional insolvencies and want of responsibility; the additional expense of agents in its

collection, together with the uncertainty of being able to estimate the probable amount of the annual income; a circumstance which cannot fail greatly to affect the permanence and stability of the institution; many other objections might be urged, but these are in my mind sufficient.

The advantages of a sale and conversion into cash, are, the greater care and facility with which the capital may be managed; the comparatively less expense attending the collection of its profits, the greater certainty of a stated income, and the greater reliance which may be placed upon its duration and continuance as a permanent capital. It is also believed that an additional inducement may be found in the sale of these lands in the fact, that it will have a direct tendency to increase a much more valuable population than that which may be expected from continuing to rent them, and which cannot fail to add very considerably to the wealth and respectability of the state.

As to the terms upon which the sale should be effected, I have no hesitation in believing that the mode at present pursued, by the United States is decidedly preferable. A sale upon credit has shown itself from the experience we have had in the sale of lands of the U. S. as well as in some of our sister states, injurious and destructive in its consequences both to the seller and purchaser, and we cannot in my opinion, be too cautious in avoiding those consequences. The relation between creditor and debtor, is always odious, and to create so large a debt as would be made by the sale of these lands upon credit, would be creating a monster having a direct tendency in its effects to corrupt the body politic.

Admitting that it is good policy to sell these lands for cash, it may still be questioned, whether the present is a favorable time to effect the sales; on this point I am persuaded, that there are no sufficient reasons for delay; it is well known, that the selections have been made with the greatest care, and with a view not only to fertility of soil, but to advantages in the locality calculated always to insure a demand for them. The propriety also of taking early measures for establishing the University, and the necessity, in order to form a judicious plan, of knowing with tolerable accuracy what will be the amount of the Capital Stock, before we commence, are powerful arguments in favor of taking immediate measures for converting the lands into cash; independently of these considerations, I apprehend that another may be found, in the tendency which the creation of a State Bank with the funds arising from the sale, will have, to give to our fellow-citizens a sound circulating medium. By authorizing a sale of these lands at some convenient period not far distant, fixing the minimum at a sum so as to ensure a fair price for them, (which I should presume might be as high as fifteen dollars per acre,) we shall be enabled to create a fund which may be, through the means of a State Bank, made both profitable to the University, and a great benefit to the community.

The propriety of fixing a high minimum I presume will not be questioned: the lands having been selected in different parts of the state, there are generally but small quantities lying in any one neighborhood, but little opposition can be entertained, that much more than the price fixed by the government will be obtained; it will also prevent opportu-

nity of combinations among the purchasers to procure them at a price less than their value, and should any tracts remain unsold after the sale, they will always be subject to the future disposition of the legislature, and can subsequently be offered for sale at a price correspondent to that which they will command.

I would, therefore, respectfully recommend that an act incorporating a State University be passed, vesting the necessary corporate powers in such cases in a board of trustees, with authority to sell at public auction for cash, on the principles of the sales of lands belonging to the United States, the lands reserved for a State University in this State; that provision be made for vesting the funds arising from the sales, in a State Bank, under suitable regulations and provisions, such as the wisdom of the legislature shall devise; that the trustees have authority to locate and commence within a given period, (which I would not have farther distant than two years,) the erection of suitable buildings for a University; and for that purpose, they be authorized to borrow from the bank a competent sum of money to be reimbursed out of the dividends of the dividends of the stock of the University; I have said that a period of two years ought to intervene before the location be made, presuming that within that period the lands may be sold, the bank be put into successful operation, a sufficient knowledge of the different parts of the state acquired, to make a judicious selection, and that the work should be commenced by that time, in order to enable us to educate the rising generation at home, and to carry into effect the objects contemplated by the general government in the donation they have made.

By adopting a plan similar in principle to the one I have here pointed out, I flatter myself that at no distant period our state may boast a literary and scientific institution, possessing advantages but little, if any, inferior to any of our sister states.

Owing to the provision of the fifth section of the act passed at the late called session of the legislature, amendatory of the act of December last, providing for the assessment and collection of the revenue, which provision extends the time for payments into the Treasury by the collectors until the first day of December next, I am unable to inform you what will be the amount of the receipts into the Treasury for this year; a statement of the disbursements for the expenses of the government, together with a statement of the receipts will be, in due time, laid before you by the proper officer of the Treasury department.

The depreciated value of a very considerable portion of our circulating medium, owing to the suspension of specie payments by one of the banks in this state, and the additional embarrassment to the Treasury, from the fact, that the bills of this bank are receivable therein in payment of all dues to the state, is a subject of the most serious regret, and calls for some act of legislative correction.

The injustice of compelling the servants of the government to receive payments for the discharge of their laborious duties, in a medium below its nominal value, is apparent, and cannot, in good faith, on the part of the legislature, be permitted to continue. The peculiar state of the Treasury required the issuance of warrants in small sums, calculated to

serve as a partial medium of exchange, and the fact that these warrants were to be paid in paper of the Huntsville Bank, which is at a depreciation of from fifteen to twenty-five per cent. has resulted in reducing the value of Treasury warrants in a corresponding proportion, which falls immediately upon the creditors of the state, and is in reality taking from them in that proportion, their just demands for their services. The peculiar situation of a considerable portion of the inhabitants of the state, who could not, without great sacrifice, procure any other medium with which to pay their taxes, together with the expectations which were entertained of a resumption of specie payments on the part of the bank, sufficiently justify and explain the policy pursued by the legislature in including it among the banks, the paper of which was authorized to be received in payment of taxes. A further continuance of this state of things, under the present policy of the bank, cannot, I conceive, be justified. Besides the injustice done to the creditors of the state in sustaining this bank by legislative acts, in its present policy, it is conceived to be impolitic as it regards the community at large; the circulation of a paper currency which no longer commands specie operates as a tax upon the agricultural part of the community, nearly, if not equal, to its depreciation below the sound medium of the country; it therefore, behoves a wise legislature to take prompt and effectual measures to eradicate this evil, and in the present instance the duty is the more imperative, when we consider there is no doubt of the solvency of the bank, and consequently their ability to redeem their notes. It is to be hoped that a remedy may be found, should the arrangement contemplated by the provision for the appointment of commissioners, to receive propositions from the several banks now in operation in the state, for the purpose of creating a general State Bank, with branches, be carried into effect; should the expectation contemplated from this source fail, I would recommend that the future reception of the bills of this bank be contingent, and only in the event of their resumption of specie payments within a given period; and as a further inducement to an early resumption of specie payments, I would also recommend an increase of the tax upon the bank, in the event of a longer continuance of the suspension of specie payments, calculated to destroy the present inducements on the part of the bank to withhold their specie: this course would be in coincidence with the liberality heretofore extended on the part of the legislature towards the bank, and is no more than that justice which is due to the creditors of the state, and the community at large requires.

In connection with this subject, and with a further view to the introduction of a sound currency into the state, you will permit me to observe, that it is believed that one of the greatest reasons which is to be found for the failure to obtain subscriptions to the act incorporating a State Bank, is to be found in the provision vesting the majority in the direction of the bank, in the legislature; however salutary this provision may be, yet I am persuaded it is so objectionable as to prevent the subscription of the necessary quantity of stock, to carry the bank into operation. I would recommend a modification of that provision of the charter, so as to give the state only a power in the direction equal to its in-

terest; should the plan I have suggested for the sale of the University lands be carried into effect, the state will then have a controlling power in the direction; should it not, there are other provisions in the charter which will enable the legislature at all times to exercise a sufficient power in the examination of the proceedings of the bank.

Among the various subjects which will come under your notice, that of the present organization of our Judiciary system cannot fail to attract your attention. The present system of vesting in the Circuit Courts, both chancery and common law jurisdiction, is attended with many and serious objections; and amounts in some counties almost to a denial of justice. The very arduous duties now devolving upon the Judges of the Circuit Courts, together with the great dissimilarity in the mode of proceeding in courts of law and equity, render it impossible for them to render to our citizens that prompt administration of justice for which the courts were created; and in my opinion renders the establishment of a separate chancery court advisable. The additional expense of a chancellor cannot be a serious objection, when the great relief which this court will give to suitors in the speedy decision of causes, which I apprehend will more than counterbalance the additional burthen of the tax, arising from the salary of one Judge.

I am informed, that owing to the short period which the Registers of the several land offices in this State, have had to transact the business arising from the act of Congress for the relief of the purchasers of public lands, there are many persons who have not been able to avail themselves of the benefit of that law; as there can be no doubt but the general government will be disposed to give every person interested in the provisions of the law, an opportunity to take the benefit of it, I would recommend that a memorial setting forth the fact, be addressed to Congress, and praying a further extension of time to effect the object contemplated by the act.

As connected with the subject of relief above alluded to, you will permit me to call your attention to the situation of the holders of certificates for purchases made at the first sales of lots in the town of Cahawba. It will be recollected that, that sale took place at a time of very general and great prosperity, and under circumstances similar to those which induced the general government to extend the relief granted at the last session of Congress to the purchasers of public lands; I would therefore, suggest the propriety of the legislature taking this subject under their consideration, and of enacting such a law as shall be both consistent with justice to the state and liberal to the proprietors of lots in the town.

I herewith transmit for your information sundry documents, marked B, the correspondence between the executives of this state, and the state of Mississippi, in relation to the accounts between the two states, growing out of the division of the late Mississippi Territory; from which you will discover that I have been unable to carry into effect the objects contained in the Resolution of the legislature, under which the correspondence has been carried on. It therefore remains with the legislature to pursue such a course as in its wisdom it shall deem just and proper.

I have to inform you, that in conformity with the provisions of an act authorizing the executive to effect a renewal of the loan from the Planters and Merchants Bank of Huntsville, I have effected a continuance of the loan for one year by executing my note to the bank for and in behalf of the state, renewable at the expiration every sixty days, which will expire on the 24th and 27th days of December next.

In conformity with the act authorizing the governor to cause to be surveyed and sold, any number of lots, not exceeding fifty, on the east side of the Alabama river and opposite the town of Cahawba, I have made a contract for the survey of twenty lots, which are advertised to be sold on the second Monday in January next.

I herewith transmit marked D, sundry resolutions of the General Assembly of the state of Ohio on the subject of certain proceedings of the Bank of the United States against certain officers of that state, which I am requested by the executive of that state, to lay before you.

I also, herewith transmit marked E and F, sundry resolutions of the General Assemblies of the states of Maryland, and New Hampshire, relative to the appropriation of public land for the purposes of education.

I likewise transmit marked G, a memorial of the chiefs of the Chickasaw nation of Indians, praying the passage of laws calculated better to secure their protection, against outrages committed upon them by white persons, settled on the borders of their lands in this state.

The vacancy in the office of Secretary of state, occasioned by the death of Thomas A. Rogers, Esq. the late Secretary, has been filled by the appointment of J. J. Pleasants, Esq. The vacancy in the office of Judge of the county court of Mobile county, occasioned by the resignation of H. H. Rolston, Esq. has been filled by the appointment of Thomas Murray, Esq. The vacancy occasioned by the resignation of Jesse Beene, Esq. Judge of the county court for the county of Dallas, has been filled by the appointment of Wm. Aylett, Esq. The vacancy occasioned by the resignation of Edwin D. King, Esq. Judge of the county court of Perry county, has been filled by the appointment of Gabriel Benson, Esq. The vacancy occasioned by the resignation of William B. Wallace, Esq. Judge of the county court of Blount is still vacant. These appointments as made by the executive will expire with the end of the present session of the General Assembly, and it will become your duty to fill the vacancies during the present session.

Returns of the census, as authorized to be taken the present year by existing laws, have not been received but very partially; I am therefore, unable at present to give you such information as will enable you to legislate on the subject: so soon as complete returns are received they will be laid before you.

The time having nearly arrived which will put a period to my further discharge of the executive duties, I cannot close this communication without expressing my anxious solicitude for the future peace, prosperity, and happiness of our political community. In the various conflicting constitutional questions which unfortunately have arisen during the time I have been in the discharge of the executive functions, and

on which it has fallen to my lot to act, I have always endeavoured to form my opinion from the best reasons my abilities could afford, and with a solemn deference and regard to the best interest and harmony of the community at large; and in the course I have thought it my duty to pursue, consequent upon these results, I have been actuated by the same motives, leaving to the proper tribunal to decide upon the correctness of the course I have felt bound to pursue; and in retiring from public life, in addition to the satisfaction which I shall always feel of having discharged my duty with fidelity, it will be a further source of pleasure to see that our government shall proceed with unanimity, harmony, and with satisfaction to the people.

Cahawba, Nov. 7, 1821.

THOMAS BIBB.

On motion of Mr. Davis, *Ordered*, That fifty copies of the Governor's message be printed for the use of the Senate.

On motion of Mr. Rose, the following resolution was adopted: *Resolved*, That the certificates of election of the senators from Lauderdale, Limestone, Madison and Monroe, be referred to the committee on privileges and elections.

On motion of Mr. Elliott, the following resolution was adopted: *Resolved*, by the Senate, that the following additional standing committees be appointed, to wit:

1st. A committee on claims---Messrs. Hanby, Davis and Ware, were appointed said committee.

2nd. A committee on inland navigation---Messrs. Dennis, Conner and Hogg, were appointed said committee.

3rd. A military committee---Messrs. Chambers, Hanby and Rose, were appointed said committee.

4th. A committee on accounts---Messrs. Casey, Elliott and Lanier, were appointed said committee.

A message from the House of Representatives by Messrs. Moore and Williams:

Mr. President, and gentlemen of the Senate:

We are directed to inform your Honourable body, that the House of Representatives have passed the following resolution, to wit:

Resolved, That the two branches of the general assembly convene in the Representative hall, this day at the hour of 3 o'clock P. M. for the purpose of counting the votes for Governor, electing a secretary of state, comptroller, and treasurer, and that the Senate be requested to concur in said resolution.

Mr. Casey moved, that the question on concurring in said resolution be taken separately; and on the question being put, shall the Senate divide the question on said resolution? It was determined in the affirmative.

On motion of Mr. Chambers, the Senate concurred in said resolution, so far as the same relates to counting the votes for Governor.

On motion of Mr. Elliott, the Senate disagreed to said resolution so far as the same related to the election of a secretary of state.

On motion of Mr. Casey, the Senate concurred in said resolution so far as the same relates to the election of a comptroller of public accounts.

On motion of Mr. Elliott, the Senate disagreed to said resolution, so far as the same relates to the election of a state treasurer.

On motion, the Senate adjourned until three o'clock P. M.

Three o'clock P. M.

The Senate met pursuant to adjournment.

Mr. Elliott presented the petition of sundry citizens of the city of Mobile, and members of the catholic congregation of said city, praying the passage of a law, authorizing certain commissioners therein named, to sell at public sale, the lot and old church on Royal street, and to apply the proceeds of said sale to the erection of a chapel at the west end of Dauphin street in said city; which said petition was, on motion, referred to a select committee, with leave to report by bill or otherwise.

Whereupon, Messrs. Elliott, Garth and Davis, were appointed said committee.

Mr. Elliott presented the petition of Thomas G. Newbold, praying the passage of a law granting him the privilege of establishing a ferry for the term of five years, between the city of Mobile and the town of Blakeley; which said petition was, on motion, referred to a select committee, with leave to report by bill or otherwise.

Whereupon, Messrs. Elliott and Casey, were appointed said committee.

Mr. Elliott, also, presented the petition of sundry citizens of Mobile and share holders in the steam boat Cotton Plant, praying the passage of a law incorporating them and their successors, with the usual powers and privileges incident to bodies corporate; which said petition was, on motion of Mr. Elliott, referred to a select committee with leave to report by bill or otherwise.

Whereupon, Messrs. Elliott, Casey and Davis, were appointed said committee.

Mr. Rose gave notice, that on Thursday next, he would ask for leave to introduce a bill to regulate justice's courts within this state.

Mr. Chambers moved, that the Senate reconsider the vote concerning in the resolution of the House of Representatives, in relation to the election of comptroller of public accounts; and on the question being put, it was resolved in the affirmative.

Mr. Chambers then moved, that the Senate disagree to said resolution, so far as the same relates to the election of a comptroller; and on the question being put, it was resolved in the affirmative.

Ordered, that the secretary inform the House of Representatives thereof.

Message from the House of Representatives by Messrs. Weedon and Williams:

Mr. President, and gentlemen of the Senate:

We are directed to inform your Honourable body, that the House of Representatives have disagreed to the amendment made by the Senate, in the resolution proposing to go into the election of secretary of state, comptroller and state treasurer.

Mr. Garth moved, that the Senate recede from their amendment to the resolution of the House of Representative, proposing to meet the Senate in the Representative's hall, this evening at three o'clock, for the purpose of counting the votes for governor, selecting a secretary of

state, comptroller and treasurer; and the ayes nays being desired, it was determined in the negative---ayes 8, nays 10.

Those who voted in the affirmative, are

Messrs. Conner, Davis, Devereux, Garth, Lanier, M'Vay, Rose and Trotter.

Those who voted in the negative, are

Mr. President, Casey, Chambers, Dennis, Elliott, Gause, Hanby, Hogg, Lucas, Ware.

Ordered, that the secretary inform the House of Representatives thereof.

Mr. Gause gave notice that on Friday next, he would ask for leave to introduce a bill, to be entitled, an act to extend the time of holding the circuit court of Montgomery county.

A message from the House of Representatives, by Messrs. Moore and Greening:

Mr. President, and gentlemen of the Senate:

We are directed by the House of Representatives, to inform your honourable body, that the House of Representatives insist upon their disagreement to the amendment made by the Senate to the resolution, proposing to meet the Senate at the hour of three o'clock this evening, for the purpose of counting the votes for governor, electing a secretary of state, comptroller and treasurer of the state.

On motion, the Senate adjourned till to morrow morning 10 o'clock.

Thursday, November 8, 1821.

The Senate met pursuant to adjournment.

Mr. Elliott moved, that the resolution from the House of Representatives, in relation to the election of certain officers therein named, be laid on the table for the present; and on the question being put, it was resolved in the affirmative.

Mr. Garth, from the committee on privileges and elections, to whom was referred the certificates of election to fill the vacancies in the Senate from the counties of Monroe, Limestone, Lauderdale, and Madison, reported that the committee had, according to order, had the subject referred to them, under consideration, and directed the following report to be made to the Senate:

Resolved, That by the constitution, each county is entitled, to a Senator, who shall serve for one term; and, that William Wingate, Hugh M'Vay, Nicholas Davis and Isaac Lanier, are elected Senators from the counties of Monroe, Lauderdale, Limestone and Madison.

Mr. Rose moved, that the question on concurring in said report be divided; and on the question being put, shall the Senate divide the question on concurring in the report of said committee? It was resolved in the affirmative.

Mr. Chambers moved, that the Senate concur in the report of said committee, so far as the same relates to the election of the Senators from Madison, Limestone, and Monroe; and on the question being put, it was resolved in the affirmative.

Mr. Rose moved, that the Senate disagree to the report of said committee, so far as the same relates to the election of a Senator from the county of Lauderdale; and the ayes and nays being desired, it passed in the negative---ayes 6, nays 11.

Those who voted in the affirmative, are

Mr. President, Chambers, Dennis, Elliott, Gause and Rose.

Those who voted in the negative, are
Messrs. Casey, Conner, Davis, Devereux, Garth, Hanby, Hogg, Lucas, Linder, Trotter and Ware.

Message from the House of Representatives, by Mr. Williams:

Mr. President, and gentlemen of the Senate:

I am directed to inform your honourable body, that the House of Representatives will, at the hour of twelve o'clock this day, in the Representatives' chamber, proceed to count the votes for governor; and at three o'clock P. M. will proceed to the election of a secretary of state, comptroller, and state treasurer; at which times the House of Representatives request the attendance of the Senate.

On motion of Mr. Casey, the Senate concurred in said message.

Ordered, that the secretary inform the House of Representatives thereof.

Twelve o'clock.

Messrs. Williams and Perry informed the Senate, that the House of Representatives were ready to receive them.

Whereupon, the members of the Senate repaired to the Representatives' chamber; and having taken their seats, Mr. Speaker proceeded to open and publish the returns from the several counties; which having been done Mr. Speaker declared Israel Pickens, Esq. to have nine thousand six hundred and sixteen votes, and Henry Chambers, Esq. to have seven thousand one hundred and twenty nine.

Israel Pickens, Esq. having a majority, Mr. Speaker arose and announced, that Israel Pickens was duly elected Governor and Commander in Chief of the State of Alabama.

Whereupon, the members of the Senate returned to their own chamber, and Mr. President resumed the chair.

Message from the House of Representatives by Messrs. Williams and Pickett:

Mr. President, and gentlemen of the Senate:

We are directed to inform your honorable body, that the House of Representatives have passed the following resolution, in which they desire the concurrence of the Senate:

Resolved, That a committee be appointed on the part of the House of Representatives, together with such committee as may be appointed on the part of the Senate, to wait on His Excellency, Israel Pickens, and inform him, that he is duly elected Governor and Commander in chief of the State of Alabama.

Mr. Chambers moved; that the Senate concur in said resolution; and on the question being put, it was resolved in the affirmative.

Whereupon, Messrs. Chambers, Dennis and Elliott, were appointed a committee, on the part of the Senate.

Ordered, that the secretary inform the House of Representatives thereof.

On motion the Senate adjourned till half past two o'clock, P. M.

Half past two o'clock P. M.

On motion of Mr. Elliott, *Resolved*, that the message of His Excellency, the acting Governor, be referred to a committee of the whole House, and made the order of the day on to-morrow.

Mr. Chambers, from the joint committee, appointed to wait on His Excellency, Israel Pickens, and inform him, that he is duly elected Governor and Commander in Chief of the State of Alabama, reported, that the committee had performed that duty, and that His Excellency would be ready to take the oath of office, on tomorrow at 11 o'clock.

Mr. Rose agreeably to notice, asked for and obtained leave to introduce a bill to be entitled, an act to regulate and establish justices' courts within this state.

On motion, *Ordered*, that said bill lie on the table for the present.

Message from the House of Representatives by Mr. Hardwicke:

Mr. President--The House of Representatives are ready to receive your honourable body in their chamber, for the purpose of electing a secretary of state, comptroller of public accounts, and state treasurer.

Whereupon, the members of the Senate repaired to the Representative chamber; and after having taken the seats assigned them, Mr. President arose and declared the object of the meeting; and both Houses proceeded to the election of a secretary of state; James J. Pleasants, Jesse Beene and Waller O. Bickley, being in nomination.

Those who voted for Mr. Pleasants, are

Messrs. Conner, Davis, Devereux, Garth, Hanby, Lucas, Lanier and M'Vay, (of the Senate.) Messrs. Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Carr, Clay, Craig, Davis, Edmondson, Fleming, Hardwicke, Holderness, Hopkins, King, Leake, Montgomery, Murrell, Masterson, Miller, Moore, Morton, Martin, M'Henry, Powell, Philpott, Parham, Smith, Vining, Weedon, Williams--40.

Those who voted for Mr. Beene, are

Messrs. Dennis, Elliott, Gause, Rose, Trotter, [of the Senate.] Messrs. Bagby, Beene, Dabney, Elmore, Fitzpatrick, Graham, Jones, Kennedy, Pickett, Perry, Skinner, Williamson, [of the House of Representatives]--17.

Those who voted for Mr. Bickley, are

Mr. President, Casey, Chambers, Hogg, Wingate, (of the Senate.) *Mr. Speaker*, Crenshaw, Dale, Duckworth, Greening, Magoffin, Norwood, Tagert, Thompson, (Rep.)--14.

Mr. Pleasants having a majority, Mr. Speaker rose and announced his election accordingly.

Both Houses then proceeded to the election of a comptroller of public accounts, Samuel Pickens, Esq. in nomination; all the members present voting for Mr. Pickens, Mr. Speaker announced him unanimously elected comptroller.

Both Houses then proceeded to the election of a state treasurer; John C. Perry, Pascal Harrison & Willis Roberts being in nomination.

Those who voted for Mr. Perry, are

Messrs. Conner, Davis, Garth, Lanier, M'Vay, Trotter, [of the Senate.] Messrs. Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Clay, Davis, Edmondson, Fleming, Holderness, Hopkins, King, Magoffin, Murrell, Miller, Moore, Morton, Martin, M'Henry, Powell, Perry, Skinner, Smith, Tagert, Vining, [Rep.]--52.

Those who voted for Mr. Harrison, are

Mr. President, Chambers, Elliott, Gause, Hanby, Lucas, Rose, Wingate, [of the Senate.] *Mr. Speaker*, Bagby, Beene, Carr, Crenshaw, Dabney, Dale, Duckworth, Fitzpatrick, Greening, Hardwicke, Jones, Kennedy, Montgomery, Philpott, Parham, Thompson, Weedon, Williams, Williamson, [Rep.]--28.

Those who voted for Mr. Roberts, are

Messrs. Casey, Devereux, Dennis, Hogg, (of the Senate.) Messrs. Craig, Elmore, Graham, Leake, Masterson, Norwood, Pickett, [Rep.]--11.

Neither having a constitutional majority, both Houses again proceeded to vote for a state treasurer; John C. Perry and Pascal Harrison, being in nomination.

Those who voted for Mr. Perry, are,

Messrs. Conner, Davis, Garth, Leader McVay, and Trotter, (of the Senate.) Messrs. Allen, Anderson, Armstrong, Ayers, Barclay, Brown, Clay, Craig, Davis, Edmonstone, Fleming, Holderness, Hopkins, King, Leake, Magoffin, Marcell, Masterson, Miller, Morris, Marton, Martin McHenry, Powell, Perry, Skinner, Smith, Tagert, Vining, and Williams, (of the House).—36.

Those who voted for Mr. Harression, are

Messrs. President, Casey, Chambers, Devereux, Dennis, Elliott, Gause, Hauby, Hogg, Jones, Rose, and Tlingar, (of the Senate.) Messrs. Speaker, Bagby, Boone, Carr, Crenshaw, Dabney, Dale, Duckworth, Elmore, Fitzpatrick, Greening, Graham, Hantwerker, Jones, Kennedy, Montgomery, Norwood, Pickett, Philpott, Parham, Thompson, Weston, and Williamson, (of the House).—35.

The election having been gone through, the Senate withdrew, and returned to their own chamber.

Mr. President having taken the chair, on motion the Senate adjourned till to-morrow morning ten o'clock.

Friday, November 9th, 1821.

The Senate met pursuant to adjournment.

Mr. Garth, agreeably to notice, asked for, and obtained leave to introduce a bill to be entitled, an act to prevent sheriffs and other officers from levying executions in certain cases; which was read the first time. *Ordered*, That said bill be read a second time on to-morrow.

On motion of Mr. Casey, the following resolution was adopted: *Resolved*, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House of Representatives, to wait on His Excellency, ISRAEL PICKENS, and inform him that the two Houses have met, and are ready to receive him for the purpose of administering the oaths of office to him. Whereupon, Messrs. Casey, Rose and Chambers, were appointed a committee on the part of the Senate. *Ordered*, That the Secretary notify the House of Representatives thereof, and desire their concurrence.

Mr. Davis gave notice, that he would, on to-morrow, ask for leave to introduce a bill, to be entitled, an act to reduce the compensation of the members of the General Assembly.

On motion of Mr. Elliott, the Senate, according to the order of the day, resolved itself into a committee of the whole, on His Excellency, the acting Governor's message; Mr. Garth in the chair; and, after some time spent therein, Mr. President resumed the chair, and Mr. Garth reported, that the committee had according to order, had the message of His Excellency the acting Governor under consideration, and had made sundry references therein, but not having time to go through with the same, had instructed him to ask leave to sit again—which was granted.

Mr. Hauby, agreeably to notice, asked for and obtained leave to introduce a bill to be entitled, an act to appoint commissioners to ascertain more correctly the boundary line between the counties of Jefferson and Mount— which was read the first time. *Ordered*, That said bill be read a second time on to-morrow.

Mr. Lucas gave notice, that on Monday next he should ask for leave to introduce a bill to be entitled, an act to establish a public road leading from Russellville, Franklin county, into a road called Baker's road.

Message from the House of Representatives, by Mr. Hardwicke: Mr. President, and Gentlemen of the Senate: I am directed to inform

your honourable body, that the House of Representatives are now ready to receive you in the Representative hall, in order to administer the oaths of office to His Excellency, ISRAEL PICKENS. Whereupon, the members of the Senate repaired to the hall of the House of Representatives, and having taken their seats, His Excellency, ISRAEL PICKENS appeared; and, Mr. Speaker administered to him the oath prescribed by the Constitution of the State; and also, by an act entitled, "an act to suppress duelling," after which, His Excellency, the Governor arose and addressed both Houses, as follows, to wit:

Gentlemen--In approaching the station assigned me by my fellow citizens, it becomes my first obligation of feeling and of duty, to acknowledge the grateful sense with which I am impressed, of this valued testimony of their confidence. I am compelled, at the same time, to own my apprehensions, that owing as well to my own inadequacy, as to the difficulties connected with our present situation, I may not be able to discharge the functions of the dignified office to which I am called, agreeably to the public expectation. I find however a source of animation in that confidence which I feel in the virtuous patriotism of our citizens; and which is peculiar to communities whose systems like our own, are founded on the fair basis of equal liberty; where the interest of the state is identified by that of each individual. This noble principle growing out of the intimate connexion here subsisting between the people and their government, and cherished by their interests and affections, furnishes the most effectual remedy for the defects incident to all human institutions, and also for the weakness of those who administer them.

Relying, therefore, on the aid of that public virtue, which I believe to characterize this free and enlightened community, no exertion of my feeble powers shall be wanting to promote the order, prosperity and happiness of the State.

If any people have inducements to value these, the citizens of Alabama should feel their fullest force. Although the period is far distant when we shall aspire to a pre-eminence among our sisters, on the political scale of the union, few of them are more enviable for those natural advantages that may render a people prosperous and happy--few, indeed, afford a more pleasing exhibition of progressive improvement from their primitive state of wilderness. The fairest portion of our territory, and even the spot where we are assembled, was but yesterday, unknown as the residence of civilized man. The prospects which nature alone presented, have successfully invited a respectable order of emigration, and filled our forest with the improvements of good society. Already do we felicitate ourselves on our political advancement to a full membership in the great family of American States--embraced by the Federal Union, which presents to other nations, the exterior aspect of a solid and powerful empire--respected abroad for its resources, and for its moral and physical capacity, while it reflects on the local governments composing it, the blessings of liberty, security, and independence, yielding to us the right, as a distinct sovereignty, of securing our happiness, by laws suited to our condition; for maintaining social order, administering justice, and cultivating the natural advantages lying within

our reach. In these we have not been treated with an illiberal hand. They are every where exhibited in the varieties of soil, of surface and climate, which diversify the several regions, from the sea board to the mountains; and qualify them for various and valuable productions; and in the numerous navigable channels which check over the whole face of our country.

These like most natural gifts will derive much of their value from a proper cultivation, and none of them are more deserving public attention and improvement, than the streams and land communications: especially in such directions as to facilitate the intercourse between the extremes, and draw them closer by a more intimate community of interests. Those points presenting themselves first in order, where the greatest practical benefits can be effected with the smallest means---a liberal and impartial distribution of the funds applicable to these purposes, being required, by a just regard to the interests of our citizens, in the different sections of the state. This will have a most happy moral effect in maintaining a harmonious and disinterested feeling among us: than which, nothing can contribute more substantially to the prosperity of any community. Here it is worthy of remark that the geography of no state presents a country more happily united in interest, so far as this is affected by mutuality of situation, and similarity of pursuits. We may indeed be divided by imaginary land marks, formed by evil and designing counsels; but it is hoped, the good sense and liberal sentiments of our citizens are sufficient to resist an influence, so destructive of the public good.

A liberal and disinterested policy will best serve to avoid political schism, and call in requisition the united talents of the country: in which condition only, can the moral power of the state present a solid and imposing form; otherwise all the talents necessary to compose an enlightened and consistent government may be neutralized by division. Measures and men will alike be weighed in the false scales of prejudice and passion. And notwithstanding all that intelligence for which our population has been complimented at home and abroad, our measures may be characterized by weakness and folly. At no period will this subject impress itself upon our attention more properly than at present. Our political association is now forming. The materials which compose it, are promiscuously thrown together from various directions, bringing into contact their respective prepossessions for the doctrines made dear by early education, and hence we must expect some diversity of sentiments and want of mutual confidence; which can only be corrected by a more mature acquaintance, and mutual conciliation.

It is a subject of just concern, that any serious difficulties should have been presented thus early in our political progress, and before our government has assumed its permanent organization, and that our constitution should have been susceptible in one of its important provisions, of a difference of construction so irreconcilable as to result in an entire suspension of the representation of either member of the legislature. It is a subject, one, or both of which were unquestionably required by the constitution, to avoid a situation to afford grounds of civil

with some, and possibly of honest doubt with others, as to the legitimate existence of the legislative department and virtually of the whole government.

In the slight notice of which this part of the subject is worthy, it is deemed worse than idle to enter on the field of controversy, so often and fruitlessly beaten. The old questions canvassed upon it, are deemed to be now settled and for ever to be at rest. It is but common charity to allow to all parties to the dispute, the credit of sincerity; and to attribute the unfortunate result, to that necessity arising from the varying operations of the human judgment, which may sometimes be as unavoidable as the act of God, or of a public enemy. Is it to be seriously supposed that our constitution, formed as a permanent rule for regulating the several departments of power in the state, as well in periods of commotion, as of tranquillity, is of such brittle texture, as to be broken down, or even interrupted by such casualties; whether produced by imperious necessity, or even by the voluntary default of one, or of all the departments combined?

Permanency is one of the professed objects of the state as well as federal constitutions. The preambles of both instruments point expressly to posterity as an object of their concern. The power of self preservation, as it is the first care of every government, is an inherent principle in ours; it must be called into action whenever among the vicissitudes of human affairs---the emergency shall require it, and must be regarded in every construction of the constitution, where it shall become necessary. This compact, like all others, can only be dissolved by the assent of all the parties to it; the people of the state on the one part, & the national government on the other. Forming a member of the confederacy, our co-operation is required as a constituent part of the nation. We have not the power of disqualifying ourselves even temporarily for that function.

It is true, that with this special exception, the people of the state have in every difficulty a redeeming controul over their government. This may be exercised by acquiescence in the existing state of operation, as the most convenient course, until the more regular organization can be effected: or, if the magnitude of the occasion require it, they may rise in the majesty of their power, and resolve it into its original elements, at the same instant re-organizing it under any modification, not inconsistent with their federal obligation.

No resort to this last extremity has been deemed advisable by any portion of our citizens. They have as by unanimous impulse chosen the present representative body to co-operate with the existing Senate, in forming this General Assembly.

Here it may be remarked, that however exactly our republican systems may be balanced, public sentiment will be found at last to direct them; and, that sentiment imbued with public virtue, this direction will be glorious and happy.

While our situation and prospects are passing under review, we are compelled to notice the pecuniary difficulties that have weighed as with their enervating influence, and cramped every branch of active indus-

try. To unite in obtaining relief from these evils, we are invited by every consideration of private interest and public duty. Though there have to some extent, the same origin every where in that bad economy which creates an excess of foreign consumption, beyond the amount realized from exported productions. Yet additional causes are found in other circumstances peculiarly affecting us. The most obvious consists in that drain of sound currency which is formed by the extensive sales of public lands; or more correctly speaking, by the prevailing spirit of speculation which had appreciated them so far above their value. This has checked the current of emigration which the encouraging prospects of our country had for a season so successfully invited; and has withheld a large portion of our soil from culture. The same infatuating spirit had diverted most of our solid capital from other useful channels, and left the community incumbered with debts without a wholesome currency sufficient to discharge them.

In a most interesting portion of the state, a depreciated medium has filled the general circulation; clogging private engagements with distrust, and infecting with unsoundness the revenue of the state; that necessary support of public faith.

While some other states experiencing similar embarrassments have not the means of relief within their reach, we are without any excuse for this wretched state of insolvency, in a want of productive resources. Our chief staple production will always command its current value, in specie or its equivalent. The crop of a single year thus realized, which cannot be estimated at less value than two millions, would fill our circulation with a wholesome medium, ample for all our purposes. A reform is demanded, by a regard to our individual interests, as well as to the character of the state---and this reform to be beneficial, must be radical, extending to the sources of the evil; any thing short of this will only nurse its growth. The community can very soon prepare itself for the exclusion from circulation of a depreciated paper currency, by refusing it in payment for their commodities. If in addition to this, a prudent retrenchment of expenditure on foreign articles, be observed, the desired end, will at once, be accomplished.

I am sensible that in effecting this desirable change, depending so materially on individual economy, some efforts will be required to produce the necessary concert of action. It is however believed, that a prudent course of public measures, furnishing the means and pointing directly to the expediency of such a change as well as the danger of avoiding it---seconded also by the precept and example of the wise and virtuous, will communicate such a tone to public sentiment, as will go far towards the purpose in view. And so long as the drain of sound currency occasioned by the sale of the National lands shall be kept open, a corresponding exertion of public and private economy will especially be required.

In anticipation of more favourable prospects to our country, we have much ground of felicitation in that relief which has been extended by the General Government, to a class of its debtors, comprising the greatest portion of our state. This will no doubt add an impulse to the spirit

of industry ; and by the observance of economy, improved by the salutary lessons of experience, we may renew our advances in the road to prosperity.

In this act of national beneficence, (in effecting which our fellow citizens in the opposite extreme of the nation united their liberal and disinterested influence ;) we have renewed cause for feeling stronger the affectionate relation in which we stand to the Federal Union, not identified by Geographical boundaries.

In contemplating the recent national transactions peculiarly affecting us, we cannot omit to notice, with much interest, the accession of Territory in our neighborhood, which has drawn a strongly defined natural boundary around the Southern frontier of the Union. We view this measure as tending greatly to our security, and calculated to add to our commercial advantage.

Among the means that may contribute to the improvement of the social state, the education of youth has ever held a conspicuous place in the estimation of the wise and virtuous ; and with more eminent propriety should this be the case, in a country whose government and laws are founded on the popular will, and are to be viewed as the reflected image of the wisdom and virtue of the people. On this score we have a valuable charge in trust for the present and for future generations. The endowments in our hands for this purpose are ample, and by being prudently husbanded, will prove a permanent resource for furnishing within ourselves the rudiments of useful learning.---It should ever be the policy of those who may administer our affairs, to regard this fund as sacred to its purposes.

In the best improvement of the many advantages which Heaven has thrown before us, it is devoutly hoped that providence may so inspire those who shall successively conduct the destinies of our infant state, as that the objects of our constitution may be happily realized, in securing the blessings of liberty and free government, to ourselves & our posterity.

On motion of Mr. Chambers, the Senate according to order, resolved itself into a committee of the whole, on the message of his Excellency, the acting Governor, Mr. Garth in the chair; and, after some time spent therein, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole had according to order, had the message of his Excellency the Governor, and the subjects therein contained, under consideration, and beg leave to propose the adoption of the following resolutions:

Resolved, that so much of his Excellency, the Governor's message, as relates to the University lands, be referred to the committee on school and University lands.

Resolved, that so much of his Excellency, the Governor's message, as relates to the Huntsville bank, be referred to a select committee: Whereupon, Messrs. Casey, Elliott and M'Vay, were appointed said committee.

Resolved, that so much of his Excellency, the Governor's message, as relates to the establishment of a circulating medium and to the issuance of bills of credit be referred to a select committee: Whereupon, Messrs. Elliott, Lucas and Trotter, were appointed said committee.

Resolved, that so much of his Excellency, the Governor's message as relates to the modification of the charter of the state bank, be referred to the committee on the judiciary.

Resolved, that so much of his Excellency, the Governor's message as relates to the establishment of a court of chancery, be referred to the committee on the judiciary.

Resolved, that so much of his Excellency, the Governor's message as relates to the relief of purchasers of public lands, be referred to a select committee, with leave to report by memorial or otherwise. Whereupon, Messrs. Elliott, Hanby and Conner, were appointed said committee.

Resolved, that so much of his Excellency, the Governor's message as relates to the sale of lots in the town of Cahawba, be referred to a select committee: Whereupon, Messrs. Dennis, Garth and Casey, were appointed said committee.

Resolved, that so much of his Excellency, the Governor's message as relates to the correspondence between the Governor of this state, and the state of Mississippi upon the subject of the accounts existing between said states; be referred to the committee on claims.

Resolved, that so much of his Excellency, the Governor's message as relates to sundry resolutions of the Legislature of the state of Ohio, upon the subject of the proceedings of the bank of the United States, be referred to a select committee: Whereupon, Messrs. Gause, Hogg, and Lanier, were appointed said committee.

Resolved, that so much of his Excellency, the Governor's message as relates to the establishment of a state University, be referred to the committee on school and University lands.

Resolved, that so much of his Excellency, the Governor's message as relates to the memorial of certain Chickasaw Indians, be referred to the committee on the judiciary. All of which were severally read and adopted.

Mr. Casey presented the petition of sundry purchasers of lots in the town of Cahawba, praying an extension of the time of payment for lots purchased in said town; which was read, and on motion, referred to the select committee appointed on that part of his Excellency, the Governor's message which relates to the sale of lots in said town.

Mr. Dennis, called up the bill to be entitled, an act to regulate and establish justices courts within this state; which was read the first time.

Ordered, that said bill be read a second time on to morrow.

Mr. M'Vay gave notice that on to morrow he would ask for leave to introduce a bill to be entitled, an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this state.

Mr. Lucas presented the petition of sundry citizens of Franklin county, praying the establishment of a turnpike road; which was read, and on motion, referred to the committee on roads, bridges and ferries.

Mr. Hanby gave notice that on Monday next, he would ask for leave to introduce a bill, to reduce the fees of justices of the peace and constables.

On motion, the Senate adjourned till to morrow morning 9 o'clock.

Saturday, November 16, 1891.

The Senate met pursuant to adjournment.

Mr. Dennis, from the select committee to whom was referred so much of His Excellency, the Governor's message as relates to the sale of lots in the town of Cahawba, reported, a bill to be entitled an act for the relief of purchasers of lots in the town of Cahawba; which was read the first time. *Ordered*, That said bill be read a second time on Monday next.

Mr. Conner presented the petition of the late Judges of the County Court of St. Clair county, praying the passage of a law authorizing and requiring the Judge of the County Court of said county, to levy a tax for the purpose of remunerating the said Judges for money laid out, and expended by them in building a jail in said county; which was read, and on motion, referred to a select committee. Whereupon, Messrs. Conner, Hogg and Ware were appointed said committee.

On motion of Mr. Casey, the following resolution was adopted: *Resolved*, That a committee be appointed to act with such committee as may be appointed on the part of the House of Representatives, to examine and report the situation of the public arms. Whereupon, Messrs. Casey and Hanby were appointed on the part of the Senate. *Ordered*, That the Secretary inform the House of Representatives thereof, and desire their concurrence.

A bill to be entitled an act to prevent sheriffs and other officers, from levying executions in certain cases, was read a second time; and on motion, *Ordered* to be committed to a committee of the whole House, and made the order of the day on Monday next.

A bill to be entitled an act to ascertain more correctly the dividing line between the counties of Jefferson and Blount, was read a second time; and on motion, *Ordered* to be engrossed for a third reading on Monday next.

A bill to be entitled an act to regulate and establish justices courts within this State, was read a second time by its caption; and on motion, *Ordered* to be committed to a committee of the whole House, and made the order of the day on Monday next.

Agreeably to notice, Mr. McVay asked for, and obtained leave to introduce a bill to be entitled an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this State; which was read the first time; and on motion, *Ordered* to be read a second time on Monday next.

On motion of Mr. Chambers, *Ordered*, That one hundred copies of His Excellency, the Governor's inaugural address, be printed for the use of the Senate.

On motion of Mr. Casey, the following resolution was adopted: *Resolved*, That His Excellency, the Governor, be requested to lay before the Senate such information as he may possess, relative to the five per cent allowed by the Congress of the United States to this State, on the amount of sales of public lands within the State of Alabama.

Message from the House of Representatives, by Mr. Weedon, Mr. President, and Gentlemen of the Senate: I am directed to inform your

honourable body, that the House of Representatives have read a third time and passed, an act confirming a decree of the Circuit Court of Madison county, exercising chancery jurisdiction, pronounced in September term 1820, divorcing Harriett Dillard from her husband Nicholas Dillard. Said bill was read the first time; and on motion, *Ordered* to be read a second time on Monday next.

On motion, the Senate adjourned till Monday morning 10 o'clock.
Monday, November 12.

The Senate met pursuant to adjournment.

Mr. Dennis presented the petition of sundry citizens of Autauga county, praying to be attached to Bibb county: which was read, and on motion, referred to the committee on county boundaries.

The engrossed bill, to be entitled an act to ascertain more correctly the boundary line between the counties of Jefferson and Blount, was read a third time and passed.

Mr. Davis moved that the word "more," in the title of said bill, be stricken out: and on the question being put, it was resolved in the affirmative.

Mr. Casey, moved that the word, "correctly," in the title of said bill be stricken out: and on the question being put, it was resolved in the negative. *Ordered*, That the title of said bill be altered from a bill, to an act to correctly ascertain the boundary line between the counties of Jefferson and Blount.

Ordered, that the secretary notify the House of Representatives of the passage of said bill, and request their concurrence.

A bill to be entitled, an act to compel plaintiffs to give security for costs in all suits, hereafter to be brought in this state, was read a second time; and on motion, ordered to be committed to a committee of the whole House and made the order of the day on to morrow.

A bill to be entitled, an act for the relief of purchasers of lots in the town of Cahawba, was read a second time by its caption; and on motion, ordered, to be committed to a committee of the whole house, and made the order of the day on to morrow.

On motion of Mr. Casey, according to order, the Senate resolved itself into a committee of the whole on the bill to be entitled, an act to regulate and establish justices courts within this state, Mr. Casey in the chair; and after sometime spent therein, the committee rose, and Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had according to order, had said bill under consideration, and had directed him to report the same with sundry amendments.

Mr. Casey moved, that the bill to be entitled, an act to regulate and establish justices courts within this state, be indefinitely postponed; and the yeas and nays being desired, it was determined in the negative; yeas 9, nays 10. Those who voted in the affirmative, are

Messrs. Casey, Davis, Garth, Gause, Hanby, Lanier, McVay, Trotter, Ware—9

Those who voted in the negative, are

Mr. President, Conner, Chambers, Deveraux, Dennis, Elliott, Hogg, Lucas, Rose, Wingate—10

Mr. Chambers moved, that the Senate concur in the report of the

committee of the whole on said bill; and on the question being put, it was resolved in the affirmative. *Ordered*, that said bill be engrossed for a third reading on to morrow.

On motion of Mr. Elliott, according to order the Senate resolved itself into a committee of the whole on the bill to be entitled, an act to prevent sheriffs and other officers, from levying executions in certain cases. Mr. Garth in the chair; and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole House had, according to order had said bill under consideration, and had directed him to report the same without amendment; which was concurred in. *Ordered*, that said bill be engrossed for a third reading on to morrow.

A bill to be entitled, an act confirming a decree of the circuit court of Madison county, exercising chancery jurisdiction, divorcing Harriet Dillard from her husband Nicholas Dillard, was read a second time; and on motion, ordered to be read a third time on to morrow.

Mr. Lucas, agreeably to notice, asked for and obtained leave to introduce a bill to be entitled, an act to appoint commissioners to lay out a certain road therein named, which was read the first time; and on motion, ordered to be read the second time on to morrow.

Mr. M'Vay, gave notice that on to morrow he should ask for leave to introduce a bill to be entitled, an act to authorize Asahel Akers, administrator of William White deceased, to sell and convey certain real estate.

On motion of Mr. Elliott, the following resolution was adopted:

Resolved, by the Senate that with the concurrence of the House of Representatives, that a joint committee of both Houses be appointed to inquire into the expediency of memorializing the Congress of the United States on the subject of the annexation of West Florida to this state, with leave to report by bill or otherwise: Whereupon, Messrs. Elliott, Hanby and Davis, were appointed a committee on the part of the Senate. *Ordered*, that the secretary notify the House of Representatives thereof, and desire their concurrence.

On motion the Senate adjourned till to morrow, morning at 10 o'clock.

Tuesday, November 13, 1821.

The Senate met pursuant to adjournment.

Mr. Davis, agreeably to notice, asked for, and obtained leave to introduce a bill to be entitled, an act to reduce the compensation of the members of the General Assembly; which was read the first time, and, on motion, *Ordered* to be read a second time on to-morrow.

Mr. Casey, from the committee appointed on the part of the Senate, to examine and report the situation of the public arms, Reported, That the committee had performed that duty, and that they found in the arsenal two hundred and fifty eight stand, in very bad order; that the Quarter Master General reported eleven stand in the hands of Mr. Roberts for repair, and thirty five delivered by order of the acting Governor, to captain White who commands a volunteer company in the town; making in all three hundred and four stand, that your committee would recommend, that an appropriation be made at this session of

the Legislature, to enable the quarter master General to have them put in good order; which report was concurred in by the Senate.

Agreeably to notice, Mr. McVay asked for and obtained leave to introduce a bill to be entitled, an act to authorize Asahel Akers administrator of William White deceased, to sell and convey certain real estate, which was read the first time; and on motion, ordered to be made the order of the day for a second reading on to-morrow.

Mr. Casey presented the petition of George A. Thrash, relative to a county and State tax, which he had been improperly compelled to pay; which was read, and on motion, referred to the committee on claims.

Mr. Chambers, proposed the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following amendments to the Constitution of the State of Alabama, be proposed to the people thereof: amendment proposed as a substitute for the tenth and eleventh sections of the third article of the constitution; each county which now is, or which may hereafter be formed in this State, shall have one Senator and no more.

Amendment proposed as a substitute for the latter clause of the sixteenth section of the sixth article of the constitution: each county which now is, or which may hereafter be formed in this State, shall have at least one Representative, and more according to the ratio which may, from time to time be established by law.

Resolved, that the preceding proposed amendments to the constitution, be published with the laws of the present session; that the State printer publish the same for three successive months, preceding the next general election, and that the sheriffs throughout the State give obedience thereto, agreeably to the provisions of the constitution; which was read the first time, and on motion ordered to be read a second time on to-morrow.

A bill to be entitled, an act to prevent sheriffs, and other officers from levying executions in certain cases, was read a third time and passed. Ordered, that the title of said bill be altered from a bill to that of an act to prevent sheriffs and other officers from levying executions in certain cases. Ordered, that the secretary notify the House of Representatives thereof, and request their concurrence.

A bill to be entitled, an act to appoint commissioners to lay out a road therein named, was read a second time; and on motion ordered to be read a third time on to-morrow.

The following written message was received from His Excellency the Governor, by Mr. James J. Pleasants, Secretary of State, to wit:

Executive Department, Nov. 13, 1821.

Gentlemen of the Senate, and of the House of Representatives,

In presenting such view of our affairs as appears to me worthy of legislative attention, I deem it proper to premise with great deference, that in the present imperfect state of our representation, it is not recommended as advisable to extend the labors of the session beyond those measures, the expediency of which is immediate or obvious.

An abstract of the census lately taken, so far as returns have been made, are ready to be laid before any committee you may appoint to act on that subject; any further returns that may be received will be immediately presented, that you may be enabled to proceed to the apportionment of representation in both branches of the legislative department. In the correct and satisfactory discharge of this imperious duty, no difficulty is apprehended. Should there be, eventually, a failure in receiving returns from some of the counties, I presume that a recourse would be proper, in those instances, to the latest preceding returns.

In many of the matters to which your attention has been very properly invited by the communication of the late acting Executive, I take much pleasure in expressing my cordial concurrence of opinion. In the few instances wherein I have viewed subjects differently, they are submitted to you with much consideration.

The State University and the disposition of the lands reserved for its endowment, have a just claim upon your most earnest deliberations. This subject has so justly been classed among those of the deepest interest to the State, both as respects the present and future times, that I feel it my duty to offer you the result of my best reflections upon it.

I have no hesitation in adding my concurrence in the expediency of a sale of those lands at as early a period as the circumstances of the community will justify a belief that full prices may be obtained. I must also add, that it is both the interest of the State, and the incumbent duty of those who conduct its concerns, to obtain the most from this resource that it can possibly yield. It is not believed that an immediate sale for cash will promise this result. Our daily observation, connected with the present condition of our circulating medium, will induce to the conclusion, that a sale in which the purchase money shall be required in four, five, or six annual instalments, the first to be made at the time of sale, will most probably yield one hundred per cent. more than a cash sale. It being in every view of the case requisite, that specie or that which is of equal value, shall be the medium of payment. It may be deemed proper to require ample personal security, in addition to the collateral security of the land itself. This requisite may either be exacted at the time of sale, or by some suitable provisions at the time of the second or any succeeding instalment falling due and not being punctually paid.

As regards those weighty political reasons which induced to the late change in the terms of sale of the national lands, while I concur most cordially in their wisdom and sound public policy, I am unable to see any of those reasons to be applicable to the disposition of this limited quantity of lands--two townships dispersed in small tracts over the state, no county including but a few sections. Can the tendency of such a debt as would be contracted by the sale of these seventy-two sections of land be considered as at all serious? Add to this, that its discharge does not act as that drain upon our currency which it opened by a payment to the United States. The contract of the two years will appear

in full glare, when we view the extensive domain of the United States, spreading over many whole states and territories adjoining; the debts contracted in the sale of which would involve the interests of millions of our population, & eventually tend to a disaffection towards the Union.

I am aware that an imaginary objection may be thought to exist against a sale on credit. That the legislature may be harrassed by the frequent application of debtors of this class. This objection will at once vanish when it is considered that the legal interest in these debts will have become vested in the corporation, and therefore out of the reach of legislative indulgence. Nor is it believed that any objection can arise from the liability of this mode of sale to combinations. Very few of these tracts lie in the bounds of any neighbourhood or even in the same county. There will not be that general mutuality of interest prevailing among the community which is the greatest cause of combination in general sales. But it occurs, that by requiring the whole to be advanced in cash we destroy competition, by rendering so few in any neighbourhood able to advance the necessary amount in money.

It is believed that it may be prudent to vest a reasonable portion of the fund arising from the sale of these lands, in stock of the State Bank. And for that purpose, it might be proper to make provision in its charter for admitting a subscription in favour of the University at any time, of not exceeding one thousand shares of one hundred dollars each. This amount might be produced from the first instalment, and would in that case be sufficient alone to put the bank in operation. But should the amount of this instalment fall short of this calculation, it would be in all events sufficient with the aid of such individual capital as may be applicable to that purpose, to give full effect to the bank in the ensuing year.

It may become a proper inquiry what disposition may best be made of the *residuum* of the purchase money, after vesting the limited amount proposed in bank stock and putting the University into operation.

This fund being a sacred trust for the future, as well as present generation, security and permanency, with a regular and certain increase, would be the great desideratum. The funds that appear to me peculiarly suited to such a purpose, are the stocks of the government of the United States, bearing an interest of six per cent. These are as certain as the government itself, and the increase will remain unaffected by the vicissitudes of the times. However favorably I anticipate the advantages which will result from our State bank, both to its stockholders and the public, our late observation on the subject will not justify that full confidence in the stability and regular productiveness of the most promising banking institution, that we are warranted to repose in the national funds.

However, should the plan of allowing credit for a portion of the purchase money be adopted, ample time will be left to consider of the best disposition to be made of the money arising from the deferred payments.

The location of the institution will, for the reason premised, be a proper work for a future session; in the mean time an act of incorporation may be proper, empowering the trustees to effect sales on such terms as may be prescribed; to take measures for preserving the lands that may

not be sold, and to reserve from sale such tracts as may be deemed proper at or near the several places held in view as suitable sites; requiring them to report to the legislature their proceedings, and such information as may affect the interest of the institution, reserving to the legislature a superintending control over the corporation.

In the application of this literary fund to the establishment of an institution, where our sons may be instructed in all the branches of literature, it is believed neither to be inconsistent with the object of the act of national munificence, which has given us these means, nor with the generous and refined sentiments of the age in which we live, to apply a portion of them to female education.

The depreciated state of the medium which composes the greater part of our revenue, requires immediate attention. To enable the state in good faith and without loss, to discharge the demands against it, it will be requisite to exclude from the treasury, all paper that is not equivalent with specie.

This may be a proper period for paying off the loan obtained from the Planters' and Merchants' Bank of Huntsville, in its own paper.

It may be expedient to authorize a loan from one of the specie-paying banks, towards any deficiency in our Treasury, which need not exceed \$15,000.

Such provision may also be made in regard to any sum that may have been collected and paid into the Treasury, in the paper of a bank not paying specie, that it may be replaced by the bank issuing it, with specie or other sound medium, or with an ample indemnity. In this case the Treasury will cease at once to pay out paper of this description.

In the policy of excluding from future collection of taxes, the paper of the Huntsville Bank during its refusal to pay its notes in specie, a full regard has been given to the situation of the large and interesting portion of the community in which its paper has composed the general circulation. Although such exclusion might have operated at a short period since, with much inconvenience to the people, and have amounted to a denial of the means of payment, it is believed that such a measure at this time will have no such effects; but will, on the contrary induce them to require a sound currency for their valuable produce now generally on hand, and eventually aid in the entire exclusion from circulation of a depreciated currency.

What other provision may be deemed correct towards that Bank and just to the public, will depend on your wisdom to devise. How far a tax would be advisable, and to what amount might be necessary, to induce the institution to comply with its engagements, at a period when its capacity seems not to be questioned by those acquainted with its affairs, will be questions for your determination. If such a course be advisable, the tax ought to be such as will effectually answer the purpose. I question the policy and moral propriety of taxing an evil, unless with the view of causing it to cease: otherwise it serves to legalize it.

And in any more definitive course, it will be essential that proper regard be had to the state of the community most concerned. That which

the creditors of the institution shall be secured, its debtors may not be ruined by too rigorous a pressure. Much of the embarrassments of that institution, it is hoped, might be removed by a mutually advantageous connexion between the State Bank and the local ones.

It is not believed, that any addition to the aggregate amount of taxes will be requisite. The necessary amendments in the mode of assessment and collection will be better suggested on a further progress of receiving the returns.

Of the treasury warrants now issued, means of discharging the greater part may be provided, by making a provision in such law as may be deemed proper in relief of purchasers at the first sale of lots in the town of Cabawba, which shall create inducements to prompt payments, by allowing a liberal discount.

It would also add to our facilities in the present state of the currency, to provide for a more convenient description of Treasury notes or warrants. It is confidently believed that by adopting the several provisions recommended, our revenue and treasury paper will be relieved from the evils of depreciation in a very short period, and that a limited amount of these notes or warrants issued in anticipation of certain revenue may be equally current with specie.

So much of the agricultural as well as commercial prosperity and respectability of the state, will depend on a judicious attention to internal improvements in regard to roads and navigation, that a portion of your attention will of necessity, be devoted to that subject. Our constitution has in express terms enjoined it on the legislature, to provide, by law, for obtaining accurate knowledge of such objects as may be proper for improvement, and for making a systematic and economical application of the means appropriated to them. (Art. 6. Sec. 21.)

At the first session of our State Assembly, a law was passed in obedience to this provision of the constitution, presenting some of the most conspicuous points, and authorized the examination of them by an Engineer under the direction of the Executive. This law has been but very partially carried into effect. It has long appeared to me, that unless a system shall be established, that shall ensure liberality and disinterestedness, as well as method, combined with practical skill, in the design and execution, very little efficient progress will be made by the state in public improvement. The fund arising from the nett amount of sales of United States lands sold after the first day of September 1819, agreeably to the act of admission, may be very profitably employed, viz: three per cent. for improvements in the state; and two per cent. for making roads to the state, under the direction of Congress. The three per cent. fund amounted from the date last mentioned till the September 30, 1820, (13 months) to \$7,898 07. No later statements have been received. But it is presumable the average annual amount of this fund will be nearly the same for the next eight years; an amount not sufficient to accomplish very expensive objects, but ample enough for the correct examination and survey of all of them, with the ascertainment of the most practicable plan and cost of completion, and also for accomplishing many of the less expensive objects; thus opening the way for individual enterprise and capital, and aiding these again in their progress.

The plan which appears to me most simple, and best adapted to answer all the desired purposes, would be the establishment of a board of improvement consisting of not exceeding five members, chosen annually or biennially by the General Assembly from the several judicial or other divisions of the state. It being the duty of this board in connexion with the executive for the time being, to direct the application of the means which the legislature shall from time to time appropriate by law for improvement and for examination: The reasonable expenses of the board when on actual service, to be defrayed from the improvement fund. It being the duty of the board, to make annually or oftener if required, reports of their proceedings & to account for the sums expended.

The advantages of this system, would be, the greater probability of disinterested exercise of duty: From the known public spirit and intelligence of those who would most probably be selected as members of the board, and owing their appointment to the legislature of the state, they would be relieved from that local obligation which is often so much felt by representatives from counties. Add to this, the facility of deliberation and of visiting personally the points that may be necessary, and of collecting useful information. It is not improper to remark that it is well known that the provision in the constitution before noticed, was adopted with a pointed view to such a system.

Certain leading roads between the extremes of the state may be advantageously laid out.

The several impediments to the navigation of the Alabama and Tombecbe and their tributary waters, from the lowest to the highest practicable points of navigation, will of course be proper objects of examination. Thence across the several points of nearest land communication to the waters of the Tennessee river, the best practicable portages should be ascertained and opened. This part of our Geography together with the shoals on that river has long since engaged the attention of the general government, and has deservedly been viewed as a national object. These are also equally interesting to our sister state of Tennessee. And I have had great pleasure to see a late executive communication to the legislature of that state, calling their attention to the communication between the Hiwassee and one of the heads of Coosa river, in which assurances are given, from personal knowledge, of the easy practicability of actually uniting those streams, by a canal of eleven miles. This effected, and a continued interior water communication is formed from the Mobile bay, through the Tennessee and Holston a considerable distance into the state of Virginia. Thus by a moderate share of capital and enterprize judiciously directed, our country may exhibit advances in improving our channels of intercourse the very idea of which, very lately, would have been viewed as romantic.

In the event of an enlargement of our southern boundary, which will be a question of national policy for the determination of the general government, new objects for improvement may be presented.

No object is more desirable in a government of laws, than their regular and due administration in the tribunals of justice. In the failure of the sessions of courts, which too often happens by reason of indisposition of

judges, and omissions of the proper officers to have justly recompensed with other occurrences, the aggregate loss to the community is considerable.

I am informed that in the county of Henry, two years since established, no courts have yet been holden. This omission is deserving of enquiry, and the proper remedy should be applied, either that the court should be regularly holden, or in case of omission that the judge should be authorized to hold a special court. Some general provision on this subject may be proper.

I have the honor to lay before you, certain resolutions passed by the Legislature of the state of Georgia, communicated by the governor of that state; in which it is represented, that having understood that the Creek and Cherokee nations of Indians are desirous of making certain cessions of their territory, whereby the settlements of Georgia, Tennessee and Alabama may become connected, and desiring the co-operation of this state to induce the Government of the United States to hold a treaty with those nations for procuring that cession. The importance of such a cession to this state is obvious to all, in extending our settlements to our full limits in that direction, inviting emigration, and uniting in social and commercial intercourse with the states adjoining.

A communication has been received from the secretary at war, accompanied by an extract of a letter from the agent of the Chickasaws, urging the propriety of preventing the sale of spirits to Indians. These are laid before you.

I lay before you the report of the Quarter Master General. It may be proper to appoint a committee of the legislature to visit the Arsenal at this place, and inspect the public arms therein, which may aid in determining the best disposition to be made of them.

I recommend that a committee be appointed to examine the condition of the Executive records. Owing it is understood to the want of proper books for the department, these records have not been kept up from the commencement. This examination will enable you to make the necessary provisions on the subject.

In the prosperous management of our public affairs, so much depends on a harmonious and liberal concert of exertion in all our departments, that too much care cannot be bestowed on its cultivation. A want of this is never so much owing to the fault of original indisposition in any of us to exercise and promote it, as a reaction produced by a want of full confidence that the disposition exists in others with whom, or for whom we act.

Our confidence being mutually obtained, I have the happiness to believe that our community contains a full proportion of all the necessary requisites to produce this desired concert. In forming this new association we have left behind us most of the objects of our native partiality, and have turned our eyes from the best public good.

I cannot express in communication without expressing the gratifying hope that the happy disposition now existing among us may continue to be the basis of the union; and that our joint labors conveyed by the medium of mutual consultation and public spirit which becomes

the representatives of a generous and enlightened people, may result in promoting the best general interests and satisfying the just expectations of our constituents.

ISRAEL PICKENS.

The following message was also received from, his Excellency, the Governor, by Mr. James J. Pleasants, secretary of state.

Executive Department, Nov. 10, 1821.

To the Senate of the state of Alabama:--In compliance with your resolution of this day, I lay before the Senate all the information in possession of this department, relative to the five per cent. allowed by the Congress of the United States on the amount of sales of public lands within this state.

Official information has been received from the treasury department of the United States, that the several receivers of the land offices at Huntsville, Cahawba, and St. Stephens, had been instructed to purchase at par, any bill which might be drawn by the executive of this state, to the amounts of the three per cent. reserved to this state, by the act of admission, out of the monies received by them respectively from sales within the state, subsequent to the first day of September, 1819.

A statement has also been received from the general land office, shewing the amount of monies received for land sold in this state, from the 1st September, 1819, to the 30th September, 1820, (being thirteen months,) and subject to the two and three per cent. funds; a copy of which statement is herewith furnished. From which it will appear that the three per cent. on the nett amount of cash received in that period, is \$7,899 07. In which account is excluded the amount received in Mississippi stock, the three per cent. on which would have amounted to \$1390 49. It may be a matter worthy of enquiry, whether the state is not also fairly entitled to three per cent. on the amount of Mississippi stock, as well as of cash received. Indeed it is possible that this part of the statement may have been made without full consideration.

The only portion of this fund which appears to have been drawn for, is the sum of seventeen hundred and fifty dollars which has been paid by the receiver at Cahawba, to John D. Perry, under the appropriation made by the act of assembly, passed 13th December, 1819.

I have the honor, &c.

ISRAEL PICKENS.

The messages and accompanying documents were read. On motion of Mr. Elliott, ordered that fifty copies of his Excellency, the Governor's message of this day, be printed for the use of the Senate.

On motion of Mr. Casey, ordered, that so much of his Excellency, the Governor's message as relates to the apportionment throughout the several counties within this state, be referred to a select committee. Whereupon, Messrs. Casey, Elliott and Conner, were appointed said committee.

On motion, ordered, that his Excellency, the Governor's message be on the table.

Mr. M'Vay presented the claim of Chesley B. Roundtree, sheriff of Lauderdale county, against the state for expenses incurred in taking and keeping certain prisoners, which was read; and on motion referred to the committee on claims.

A bill to be entitled, an act confirming a decree of the circuit court of Madison county, exercising chancery jurisdiction, divorcing Harriet Dillard from her husband Nicholas Dillard, was read a third time; and on the question being put, "shall this bill pass?" The ayes and nays being desired, it was determined in the affirmative---ayes 14, nays 3.

Those who voted in the affirmative, are

Mr. President, Casey, Conner, Davis, Deveraux, Dennis, Elliott, Garth, Gause, Hogg, Lucas, Rose, Ware, Wingate.

Those who voted in the negative, are

Messrs. Chambers, Lanier, McVay.

Ordered, that the secretary notify the House of Representatives thereof.

On motion of Mr. Casey, the Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled, an act for the relief of purchasers of lots in the town of Cahawba, Mr. Chambers in the chair; and after some time spent therein the committee rose. Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was granted.

On motion of Mr. Elliott, according to order, the Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to compel plaintiffs to give security for costs, in all suits hereafter to be brought in this state, Mr. Davis in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report progress, and ask leave to sit again; which was refused.

Mr. Casey moved, that said bill be referred to the committee on the judiciary; and the question being put, it was resolved in the affirmative.

On motion of Mr. Davis, ordered, that Mr. McVay be added to the committee on the judiciary.

A bill to be entitled, an act to regulate and establish justices courts within this state, was read a third time; and on the question being put, shall this bill pass, the yeas and nays being desired, it was determined in the affirmative---ayes 10, nays 9.

Those who voted in the affirmative, are,

Mr. President, Conner, Chambers, Deveraux, Dennis, Elliott, Hogg, Lucas, Lanier, Rose.

Those who voted in the negative, are

Messrs. Casey, Davis, Garth, Gause, Hanby, McVay, Trotter, Ware, Wingate.

Mr. Elliott moved, to amend the title of said bill, by adding the words "in the counties therein named," and on the question being put, it was resolved in the affirmative.

A message from the House of Representatives by Mr. Weedon.

Mr. President, and gentlemen of the Senate:

I am directed to inform your Honourable body, that the House of Representatives have read a third time and passed, the following bills, to-wit: a bill to be entitled, an act to authorize the administrators of Benjamin C. Benbow deceased, late of Limestone county, to sell a tract

of land therein designated, and for other purposes: a bill to be entitled, an act to authorize Maria Evans to emancipate a certain negro man slave named Richard Evans; a bill to be entitled, an act to authorize the administrator and administratrix of Thomas Talbert deceased, to sell certain real estate, in all of which they desire the concurrence of the Senate.

On motion the senate adjourned 'till 3 o'clock P. M.

Three o'clock P. M.

The Senate met pursuant to adjournment.

A bill to be entitled an act to authorize the administrator and administrators of Thomas Talbert deceased, to sell certain real estate, a bill to be entitled, an act to authorize Maria Evans to emancipate a certain negro man slave named Richard Evans, and a bill to be entitled an act to authorize the administrators of Benjamin C. Benham deceased, late of Limestone county to sell a tract of land therein designated, and for other purposes, were severally read the first time; and on motion, ordered to be made the order of the day for a second reading on tomorrow.

Mr. Lucas moved, that the vote on the amendment on the caption of the bill to be entitled, an act to regulate and establish Justices courts within this state, be reconsidered, and on the question being put it was resolved in the affirmative.

Mr. Lucas then moved, that the Caption of said bill be, a bill to be entitled an act to regulate and establish Justices courts within this state except, the counties therein excepted, and on the question being put it was resolved in the affirmative.

Ordered, that the title of said bill be altered from a bill, to an act, to regulate and establish justices courts within this state, except, the counties therein excepted.

Ordered, that the secretary notify the House of Representatives of the passage thereof and request their concurrence.

On motion the Senate adjourned till tomorrow morning 10 o'clock.

Wednesday, Nov. 14, 1821.

The Senate met pursuant to adjournment.

Mr. Hanby, from the committee on claims, to whom was referred the claim of Chesley B. Roundtree, Sheriff of Lauderdale county, reported, that the requisition of the law had not been complied with in relation thereto, and that he have leave to withdraw his papers; which was concurred in.

Mr. Conner, from the select committee, to whom was referred the petition of the late Judge of the county court of St. Clair county, reported a bill to be entitled, an act to authorize the Judge of the county court of said county to lay a tax to remunerate John Cunningham, which was read the first time, and on motion, ordered to be made the order of the day for a second reading on tomorrow.

Mr. Elliott, from the committee on the Judiciary, to whom was referred the bill to be entitled, an act to compel plaintiffs to pay fees for costs in all suits hereafter to be brought in this State, reported the same with an amendment, which was concurred in; and it was ordered

to be engrossed, and made the order of the day for a third reading on to-morrow.

Mr. M'Vay gave notice that, on to-morrow, he should ask for leave to introduce a bill, to be entitled, an act concerning persons residing on the University lands, who had not rented the same, & for other purposes.

A bill to be entitled, an act to appoint commissioners to lay out a certain road therein named, was read a third time and passed. Ordered, that the title of said bill, be altered from a bill, to an act to appoint commissioners to lay out a certain road therein named. Ordered, that the secretary notify the House of Representatives thereof, and request their concurrence.

A bill to be entitled, an act to authorize Maria Evans and Lewis Tillman, to emancipate certain slaves, was read a second time; and on motion, ordered to be made the order of the day, for a third reading, on to-morrow.

A bill to be entitled, an act to authorize the administrator and administratrix of Thomas Talbert deceased, to sell and convey certain real estate, was read a second time, and on motion referred to a select committee: Whereupon, Messrs. Garth, Elliott and Lucas, were appointed said committee.

A bill to be entitled, an act to authorize the administrators of Benjamin C. Benham, to sell and convey certain real estate therein designated, and for other purposes, was read a second time.

Mr. M'Vay moved, to amend said bill by adding the following after the words "Alabama Republican," so soon as the said administrators shall have executed their bond to the judge of the county court and his successors in office, conditioned, that the money arising from such sales shall be applied according to law in such cases made and provided; and on the question being put, it was resolved in the affirmative.

On motion of Mr. Casey, said bill was referred to a select committee. Whereupon, Messrs. Garth, Elliott, and Lucas, were appointed said committee.

A bill to be entitled, an act to authorize Asahel Akers, administrator of William White deceased, to sell and convey certain real estate, was read a second time; and on motion, ordered to be referred to a select committee: Whereupon, Messrs. Garth, Elliott and Lucas, were appointed said committee.

A bill to be entitled, an act to reduce the compensation of the members of the General Assembly, was read the second time. Mr. Casey moved, that said bill be engrossed and made the order of the day for a third reading on to-morrow; and the question being put, it was decided the negative.

Mr. Garth moved, to fill the first blank in said bill with the word "five," and the yeas and nays being desired, it was determined in the negative. — yeas 10.

Those who voted in the affirmative, are

Messrs. Casey, Gomer, Chambers, Davis, Doyeraux, Garth, Hanby, Lawler.

Those who voted in the negative, are

Mr. Prentiss, Elliott, Gaine, Hogg, Lucas, M'Vay, Trotter, Ware, Wingate.

Mr. Garth moved, to fill the first blank in said bill with the word "six;" and the ayes and nays being desired, it was determined in the negative; ayes 8, nays 10.

Those who voted in the affirmative, are

Messrs. President, Dennis, Elliott, Gause, Hogg, Lucas, Trotter, Ware.

Those who voted in the negative, are

Messrs. Casey, Conner, Chambers, Davis, Devereux, Garth, Hanby, Lanier, M'Vay and Wingate.

Mr. M'Vay moved, to fill the first blank in said bill, with the word "four;" and the ayes and nays being desired, it was determined in the negative, ayes 5, nays 13. Those who voted in the affirmative, are

Messrs. Davis, Garth, Hanby, M'Vay and Wingate.

Those who voted in the negative, are

Messrs. President, Casey, Conner, Chambers, Devereux, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, Trotter and Ware.

Mr. Elliott moved, that the further consideration of the bill to be entitled, an act to reduce the compensation of the members of the General Assembly, be indefinitely postponed, and the ayes and nays being desired, it was determined in the negative.

Those who voted in the affirmative, are

Messrs. President, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, Trotter and Ware.

Those who voted in the negative, are

Messrs. Casey, Conner, Chambers, Davis, Devereux, Garth, Hanby, M'Vay, Rose and Wingate.

Mr. Davis moved, to fill the first blank in said bill with the word "seven;" and the ayes and nays being desired, it was determined in the negative. Mr. Davis voted in the affirmative.

Those who voted in the negative, are

Messrs. President, Casey, Conner, Chambers, Devereux, Dennis, Elliott, Gause, Garth, Hanby, Hogg, Lucas, Lanier, M'Vay, Rose, Trotter, Ware and Wingate.

Mr. Garth moved, to strike out so much of said bill as relates to the President of the Senate and Speaker of the House of Representatives, and the ayes and nays being desired, it was determined in the negative, ayes 6, nays 12. Those who voted in the affirmative, are

Messrs. Chambers, Davis, Devereux, Garth, Lucas and Lanier.

Those who voted in the negative, are

Messrs. Casey, Conner, Dennis, Elliott, Gause, Hanby, Hogg, M'Vay, Rose, Trotter, Ware and Wingate.

Mr. Casey moved to fill the first blank in said bill with the word, "four dollars and seventy-five cents;" and the ayes and nays being desired, it was determined in the negative, ayes 6, nays 12.

Those who voted in the affirmative, are

Messrs. Casey, Chambers, Davis, Garth, Lanier, and Trotter.

Those who voted in the negative, are,

Messrs. Conner, Devereux, Dennis, Elliott, Gause, Hogg, Lucas, M'Vay, Rose, Ware and Wingate.

Mr. Rose moved to fill the blank in the said bill, with the word "three;" and the ayes and nays being desired, it was determined in the negative, ayes 8, nays 10. Those who voted in the affirmative, are

Messrs. Casey, Conner, Chambers, Davis, Garth, Hanby, M'Vay and Rose.

Those who voted in the negative, are

Messrs. Devereux, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, Trotter, Ware and Wingate.

Mr. Elliott moved, that the further consideration of said bill, be postponed.

poned until the first day of February next, and the ayes and nays being desired, it was determined in the affirmative, ayes 10, nays 8.

Those who voted in the affirmative, are

Messrs. Davis, Deschamps, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, Trotter and Ware.

Those who voted in the negative, are

Messrs. Casey, Conner, Chambers, Garth, Hanby, McVay, Rose and Wingate, 9.

On motion, the Senate adjourned till to-morrow morning 10 o'clock.

Thursday, November 15, 1821.

The Senate met pursuant to adjournment.

Mr. Casey, from the select committee, to whom was referred so much of His Excellency, the Governor's message, as relates to the Huntsville Bank, reported a bill to be entitled an act authorizing the Governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the State to the Huntsville Bank; which was read the first time, and Ordered to be made the order of the day for a second reading on to-morrow.

Mr. McVay, agreeably to notice, asked for and obtained leave to introduce a bill to be entitled, an act concerning persons residing on the University lands, and who have not rented the same, and for other purposes; which was read the first time, and on motion, Ordered to be made the order of the day for a second reading on to-morrow.

Mr. Casey obtained leave to introduce a bill, to be entitled an act assigning to the Attorney General a certain duty in addition to those already assigned by law, which was read the first time, and on motion, Ordered to be made the order of the day for a second reading on to-morrow.

Mr. Elliott, from the select committee, to whom was referred the petition of the stockholders in the Steam Boat, Cotton plant, Reported a bill to be entitled an act to incorporate the Mobile Steam Boat Company; which was read the first time, and on motion, Ordered to be made the order of the day for a second reading on to-morrow.

A joint resolution proposing amendments to the Constitution of this State, was read a second time; and on motion, Ordered to be committed to a committee of the whole House, and made the order of the day for a third reading on Monday next.

On motion of Mr. Davis the Senate, according to order, resolved itself into a committee of the whole, on the bill to be entitled an act for the relief of purchasers of lots, in the town of Cahawba, Mr. Davis in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report the same with an amendment, and ask leave to sit again, which was granted.

A message from the House of Representatives, by Mr. Morton:

Mr. President and Gentlemen of the Senate:

I am directed to inform your honourable body, that the House of Representatives have read a third time and passed, a bill to be entitled an act to repeal part of an act therein named. A bill to be entitled an act to amend the laws of Amos D. Lanier, Esquire, Sheriff of Washington

county; A bill to be entitled an act to amend an act giving jurisdiction to certain counties therein named; and, a bill to be entitled an act authorizing the administrators of Robert Morrow, deceased, to sell real estate, in all of which bills they desire the concurrence of the Senate.

On motion of Mr. Davis, *Ordered* that thirty copies of the bill to be entitled, an act for the relief of purchasers of lots in the town of Cahawba, be printed for the use of the Senate.

On motion of Mr. Garth, the following resolution was adopted: *Resolved*, That a committee be appointed to report to this House the situation of the purchasers of lots in the town of Cahawba, and that said committee be authorized to call on the Secretary of State, for a plan of the town, and such information as they may think proper, and that they have leave to call on him for any papers in his possession.

On motion of Mr. Casey, the document accompanying His Excellency the Governor's message, in relation to the five per cent. granted by the Congress of the United States, to this state on the amount of sales of public Lands within this state, was referred to the committee on inland navigation.

A bill to be entitled, an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this State, was read a third time and passed. *Ordered*, that, the title to said bill be an act to compel plaintiffs to give security for costs in all suits hereafter to be brought in this state. *Ordered*, that, the secretary notify the House of Representatives thereof, and desire their concurrence.

A bill to be entitled an act to remunerate John Cunningham, was read a second time, and on motion, ordered to be engrossed for a third reading on tomorrow. A bill to be entitled an act to authorize Maria Evans, and Lewis Tinsman, to emancipate certain slaves was read a third time: Mr. Casey moved to commit said bill to a select committee, and on the question being put, it was resolved in the negative. The question then recurred on the passage of said bill, and on the question "shall this bill pass?" the ayes and nays being desired it was determined in the affirmative. Those who voted in the affirmative, are

Messrs. President, Comber, Chambers, Davis, Devereux, Dennis, Elliott, Garth, Hargis, Lucas, Lanier, McVay, Ross, Trotter and Wingate.—15

Those who voted in the negative, are

Messrs. Casey, Gause Hogg, and Ware.—4.

A bill to be entitled, an act to amend an act giving jurisdiction to certain counties therein named:

A bill to be entitled, an act to repeal part of an act therein named; and,

A bill to be entitled, an act for the relief of Josiah D. Lister, were generally read the first time, and on motion, *Ordered*, to be made the order of the day for a second reading on tomorrow.

A bill to be entitled, an act to authorize the administrators of Robert Morrow, deceased, to sell certain real estate, was read the first time, and ordered to be made the order of the day for a second reading on tomorrow.

On motion the Senate adjourned till tomorrow morning at 10 o'clock.

Friday, November 16, 1821.

The Senate met pursuant to adjournment.

Mr. Hanby, from the committee on claims, to whom was referred the claim of George A. Thrash, reported a bill to be entitled, an act for the relief of George A. Thrash, which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Dennis presented the petition of sundry inhabitants of Perry county, praying the repeal of a law passed at the last annual session of the Legislature, detaching them from Bibb county, and attaching them to Perry, which was read; and, on motion, *Ordered*, to be referred to the committee on county boundaries.

On motion of Mr. Chambers, the rule, which requires one days notice before the introduction of a bill, was dispensed with, and leave was granted him to introduce a bill, to be entitled, an act to alter the boundary line between the counties of Monroe and Clarke, which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Garth, from the select committee, to whom was referred the bill, to be entitled, an act to authorize the administrators of Benjamin Benham deceased, late of Limestone county, to sell a certain tract of land therein designated, and for other purposes, reported the same without amendment; which was concurred in.

Mr. Dennis, from the committee, to whom was referred a resolution concerning the situation of debts due from the purchasers of lots in the town of Cahawba at the first sales, reported that the number of lots transferred, is small compared with the number of improved lots, and that the interest of the state will not be neglected by permitting the purchasers to relinquish part of their purchases; *Provided*, no transfer shall be allowed after of ; *And provided also*, that no person or persons, shall avail himself or themselves, of the provisions of this act who shall remove his or their buildings from the lot or lots intended to be relinquished after the passage of this act; which report was concurred in.

On motion of Mr. Hogg, the rule, which requires one days notice before the introduction of a bill was dispensed with, and leave was granted him to introduce a bill, to be entitled, an act to fix the permanent seat of justice in the county of Tuscaloosa, and to provide for the erection of the public buildings, which was read the first time: *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Elliott, to whom was referred the petition of the Catholic congregation of christians in Mobile, reported a bill to be entitled, an act to authorize the catholic congregation of christians in the city of Mobile to sell certain real estate therein mentioned, and for other purposes; which was read the first time. *Ordered*, that said bill be read a second time on to-morrow.

A message from the House of Representatives, by Mr. Morton:

Mr. President, and Gentlemen of the Senate:

I am directed to inform your honorable body, that the House of Re-

presentatives have read a third time and passed, a bill to be entitled an act to prevent sheriffs and other officers levying executions in certain cases; which originated in the Senate, and that the House of Representatives have amended the same, by striking out the words, "*capias ad satisfaciendum*," and inserting in lieu thereof the words, "*feri facias*," And that they have read the third time and passed, a bill to be entitled, an act to authorize the emancipation of certain slaves therein named; A bill to be entitled an act to extend the time for collecting the tax, and making returns to the persons therein named; in all of which they desire the concurrence of the Senate.

A message from the House of Representatives, by Mr. Gayle:

Mr. President, and Gentlemen of the Senate:

I am directed to inform your honourable body, that the House of Representatives have read a third time, and passed: A bill to be entitled, an act authorizing the administrator of David Dalton, deceased, to sell certain lots therein named; in which they desire the concurrence of the Senate.

Mr. Elliott, from the judiciary committee, to whom was referred so much of His Excellency, the Governor's message, as relates to the modification of the charter of the State Bank, Reported a bill to be entitled an act to amend the several acts in relation to the establishment of the Bank of the State of Alabama; and to repeal such parts of said acts as are repugnant to the provisions of this act: which was read the first time. *Ordered*, That said bill be made the order of the day for a second reading on Monday next.

A bill from the House of Representatives, to be entitled an act authorizing the administrator of David Dalton, deceased, to sell certain lots therein named. was read the first time; and on motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second and third time and passed. *Ordered*, that the Secretary notify the House of Representatives thereof.

On motion of Mr. Rose, the following resolution was adopted: *Resolved*, That so much of His Excellency, the Governor's message, as relates to certain resolutions of the legislature of the State of Georgia, in which is represented, that the Creek and Cherokee nations of Indians are desirous of making certain cessions of their territory, be referred to a select committee: Whereupon, Messrs. Rose, Elliott and Lucas, were appointed said committee.

On motion of Mr. Casey, the Senate resolved itself into a committee of the whole, on His Excellency, the Governor's, message of the instant, Mr. Rose in the chair, and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Rose reported, that the committee of the whole had, according to order, had His Excellency, the Governor's message, and the subjects therein contained, under consideration, and beg leave to propose the adoption of the following resolutions:

Resolved, that so much of His Excellency, the Governor's message as relates to the extension of the labours of the present session of the legislature, be referred to a select committee: Whereupon, Messrs. Gann and Rose, were appointed said committee.

Resolved, that so much of His Excellency, the Governor's message as relates to the census lately taken, and to the apportionment of both branches of the legislative department, be referred to the committee on the apportionment.

Resolved, that so much of His Excellency, the Governor's message as relates to the sale of the University lands, be referred to the committee on school and college lands.

Resolved, that so much of His Excellency, the Governor's message as relates to the disposition best to be made of the *residuum* of the purchase money of school and college lands, after vesting the limited amount proposed in bank stock, and putting the University into operation, be referred to said committee.

Resolved, that so much of His Excellency, the Governor's message as relates to the establishment of a state University from the proceeds of school and college lands, and to male and female education, be referred to the committee on school and college lands.

Resolved, that so much of His Excellency, the Governor's message as relates to the circulating medium, be referred to the committee on the judiciary.

Resolved, that so much of His Excellency, the Governor's message as relates to the payment of the amount due the Huntsville bank by this state, be referred to the committee on the Huntsville bank.

Resolved, that so much of His Excellency, the Governor's message as relates to the loan to be authorized from one of the specie paying banks, be referred to the committee on the Huntsville bank.

Resolved, that so much of His Excellency, the Governor's message as relates to the Cahawba lots, be referred to the committee on that subject.

Resolved, that so much of His Excellency, the Governor's message as relates to Internal improvement, be referred to the committee on inland navigation.

Resolved, that so much of His Excellency, the Governor's message as relates to the due and regular administration of justice, and to the establishment of courts in the county of Henry, be referred to the committee on the judiciary.

Resolved, that so much of His Excellency, the Governor's message as relates to the memorial of the Chickasaw Indians, be referred to the committee on the judiciary.

Resolved, that so much of His Excellency, the Governor's message as relates to the examination of the executive records, be referred to a select committee: Whereupon, Messrs. Chambers and Wingate, were appointed said committee, which was concurred in.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am directed to inform your honorable body, that the House of Representatives, have passed a joint resolution proposing to appoint a committee on their part, to act with such committee as may be appointed on the part of the Senate, to memorialize the Congress of the United States, on the propriety of removing the prohibition imposed on the state of Alabama, at its admission into the Federal Union, of taxing

all lands sold by the general government in said state, subsequent to the first day of September, 1819, so far as it may regard land hereafter sold; and that they have also, passed a joint resolution proposing to appoint a committee on their part, to act with such committee as may be appointed on the part of the Senate, to take into consideration the expediency of memorializing the Congress of the United States, upon the subject of the claims of Col. Samuel Dale, for services performed during the creek war; in which they desire the concurrence of the Senate.

Mr. Chambers moved, that the Senate concur in the resolution of the House of Representatives in relation to memorializing the Congress of the United States on the propriety of removing the prohibition imposed on the State of Alabama, at its admission into the Union, of taxing all lands sold by the General Government in said state, subsequent to the first day of September 1819, so far as it may regard lands hereafter sold. And on the question "will the Senate concur in said resolution?" the yeas and nays being desired, it was determined in the affirmative, yeas 18, nays 1. Those who voted in the affirmative, are

Messrs. President, Conner, Chambers, Davis, Deveroux, Dennis, Elliott, Garth, Gause, Hanby, Hogg, Lucas, Lamer, McVay, Rice, Trotter, Ware, and Wingate.

Mr. Casey voted in the negative.

Whereupon, Messrs. Elliott, Rose, and Chambers, were appointed a committee on the part of the Senate.

On motion the Senate concurred in the resolution of the House of Representatives, in relation to the expediency of memorializing the Congress of the United States, upon the subject of the claims of Col. Samuel Dale, for services rendered during the Creek war: *Whereupon*, Messrs. Elliott, Gause, and Conner, were appointed a committee on the part of the Senate. *Ordered*, that the secretary notify the House of Representatives thereof.

On motion of Mr. Chambers, *Ordered*, that Mr. Gause be added to the committee on the judiciary.

On motion the Senate concurred in the amendments made by the House of Representatives to the bill to be entitled, an act to prevent Sheriffs and other officers from levying executions in certain cases.

Ordered, that the secretary notify the House of Representatives thereof.

Mr. Casey called up the bill to be entitled, an act authorising the Governor to borrow a certain sum of money, therein mentioned, and to settle the debt due by the State to the Huntsville Bank, which was read the second time.

Mr. Casey moved to strike out all of said bill, after the enacting clause, and to amend the same by the following: "that the Governor of this State is hereby authorised to procure from any of the specie paying Banks, a loan or loans of money, not exceeding fifteen thousand dollars, for the use and benefit of the State of Alabama; which loan shall be accomplished in such sum or sums, and at such times as will answer the purposes of the State after the passage of this act."

"And be it further enacted, that the Governor is hereby authorized to pledge so much of the revenue to be raised for the year 1822, as will be sufficient to discharge said loan before the first day of Jan. 1823.

"And be it further enacted, that the Governor pay or cause to be

paid off the debt due by this State, to the Huntsville Bank, out of any money in the Treasury, not otherwise appropriated."

When on motion, the senate adjourned till tomorrow morning, 10 o'clock.
Saturday, November 17, 1821.

The senate met pursuant to adjournment.

Mr. Hogg presented the petition of sundry inhabitants of Tuscaloosa county, praying the location of the seat of justice for said county, on the line between the old and new towns; which was read and on motion, referred to a select committee; Whereupon, Messrs. Hogg, Trotter, and Ware, were appointed said committee.

Mr. Gause, from the committee on enrolled bills, reported, that the committee had examined the following acts and found the same duly enrolled, to wit;

An act authorizing the administrators of David Dalton, deceased, to sell certain lots therein named;

An act to authorize Maria Evans and Lewis Titman, to emancipate certain slaves therein named; and

An act confirming a decree of the Circuit Court of Madison county, exercising chancery jurisdiction, pronounced in September term 1820, divorcing Harnet Dillard, from her husband Nicholas Dillard;

All of which were accordingly signed by Mr. President.

Mr. Elliot from the select committee, to whom was referred the petition of Thomas G. Newbold, made the following report:

The committee to whom was referred the petition of Thomas G. Newbold, praying for the exclusive privilege of establishing a ferry between the city of Mobile, and the town of Blakely, report, that it would be inexpedient and impolitic to grant the prayer of the petitioner, in the extent he hath solicited legislative interposition. Your committee are of the opinion that the several acts in relation to highways, ferries, and bridges, are defective in this, to wit: Although the several county courts in this state have power to grant the privilege of ferries to applicants for the same, and their duties in relation to the same are pointed out by law; yet, no provision is made by law authorising said courts to inflict penalties against those who violate or contravene the privileges thus granted. Your committee would therefore recommend the passage of a general law on the subject, which would extend to the petitioner as much relief in the premises as may comport with sound policy and the existing laws.

Mr. Elliott from said committee, reported a bill to be entitled, an act supplementary to the several acts in relation to highways, ferries, and bridges; which was read the first time. Ordered, that said bill be made the order of the day for a second reading on Monday next.

Mr. Gause obtained leave of absence until Wednesday next.

Mr. Hanby presented the petition of sundry citizens of Blount county, praying the passage of a law authorizing them to elect commissioners to fix the permanent seat of justice in said county; which was read; On motion, Ordered, that said petition be referred to the committee on county boundaries.

A message from the House of Representatives, by Mr. Morton.

Mr. President, and Gentlemen of the Senate :

I am directed to inform your honourable body, that the House of Representatives, have read a third time, and passed, a bill to be entitled, an act to authorise William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates to erect a toll bridge across the Black Warrior river at the falls, at the town of Tuskaloosa ; in which they desire the concurrence of the Senate.

The following written message was received from His Excellency the Governor; by Mr. James J. Pleasants, secretary of State.

Executive Department, Cahawba, November 16, 1821.

Gentlemen of the Senate, and of the House of Representatives,

I have received the resignation of John Gayle, Esq: solicitor of the first judicial circuit.

I have also, been apprised of the death of Thomas Heald, Esq. judge of the county court of Baldwin county. These vacancies are required to be filled by the General Assembly.

ISRAEL PICKENS.

The message was read, and on motion ordered to lie on the table.

A bill from the House of Representatives, to be entitled, an act to authorise William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, to erect a toll bridge across the Black Warrior, at the falls of the town of Tuskaloosa, was read the first time. *Ordered*, that the said bill be made the order of the day for a second reading on Monday next.

On motion of Mr. Garth, the following resolution was adopted :

Resolved, that the military committee be instructed to enquire into the expediency of repealing so much of the Militia law, as allows compensation of five dollars per day, to Brigade majors, and assistant adjutant Generals ; and that they be directed to report to the Senate, the construction given by Brigadier Generals to the law allowing compensation to Brigade majors, and whether certificates are granted for more days service than the number of days actually employed in drilling the officers and attending the Regimental musters.

Mr. Davis moved a reconsideration of the vote of the Senate in relation to the reference of the petition of the citizens of Tuskaloosa, praying the location of the Court House, on the line between the old and new towns, and on the question, " will the Senate reconsider said vote ? " it was decided in the negative.

Mr. Garth, from the select committee, to whom was referred the bill to be entitled, an act authorizing Asabel Akers, administrator of Wm. White deceased, to sell certain real estate, reported the same with an amendment ; which was concurred in, *Ordered* that said bill be made the order of the day for a second reading on Monday next.

Mr. Garth, from the select committee, to whom was referred the bill from the House of Representatives, to be entitled an act to authorize the administrator and administratrix of Thomas Talbert, deceased, to sell real estate, reported the same without amendment. *On motion ordered* that said bill lie on the table.

On motion of Mr. Davis, the following resolution was adopted : *Resolved* by the Senate, that a committee be appointed to act jointly with

such committee as may be appointed on the part of the House of Representatives to contract for the printing of copies of the constitution of this state; whereupon, Messrs. Davis, Hogg and Rose were appointed a committee on the part of the senate. *Ordered*, that the secretary notify the H. of Representatives thereof, and desire their concurrence.

Mr. Chambers gave notice, that on Monday next he should ask for leave to introduce a bill, to be entitled, an act to amend and repeal a part of the 2d. section of an act passed on the 7th December 1820, authorizing the governor to dispose of the public arms of this state.

On motion, the bill to be entitled, an act authorizing the governor to borrow a certain sum of money therein mentioned and to settle the debt due by the state to the Huntsville bank, was taken up.

Mr. Rose moved, that the question on agreeing to the amendment proposed in said bill be taken separately. And on the question being put it was resolved in the affirmative.

Mr. Casey moved to adopt the first section of the bill, proposed as an amendment in lieu of the first section of the original bill. And the yeas and nays being desired, it was determined in the affirmative--- year 9, nays 8. Those who voted in the affirmative, are

Mr. President, Casey, Chambers, Deveraux, Dennis, Elliott, Hogg, Trotter, Wingate. Those who voted in the negative, are

Messrs. Conner, Davis, Garth, Hasky, Lucas, Lanier, M'Vay, Rose.

On motion of Mr. Casey, the second and third sections of said bill were adopted, in lieu of the second and third sections of the original bill.

Mr. Garth moved to strike out the words in said bill "out of any money in the treasury not otherwise appropriated." And on the question being put, it was resolved in the affirmative.

Mr. Garth then moved to insert after the words "Huntsville bank," the following, to wit: "in the notes of that bank which now are, or which may hereafter come into the treasury." And on the question being put it was resolved in the affirmative. *Ordered*, that said bill be engrossed and made the order of the day, for a third reading on Monday next.

Message from the House of Representatives by Mr. Morton:

Mr. President, and gentlemen of the Senate; I am directed by the House of Representatives, to inform you they have read a third time and passed, an act to authorize Richard Rapier, administrator of Claiborn Mays, deceased, to sell a certain lot of land therein mentioned; an act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine-Barren creek, and to receive toll for keeping it in repair: in all of which they desire your concurrence.

A bill from the House of Representatives to be entitled, an act to authorize Richard Rapier, administrator of Claiborne Mays, deceased, to sell a certain lot therein mentioned, was, on motion, ordered to lie on the table.

A bill from the House of Representatives to be entitled, an act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine-Barren creek, and to receive toll for keeping it in repair, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

The Senate resumed the consideration of the bill to be entitled, an act for the relief of purchasers of lots in the town of Cahawba.

Mr. Casey moved to amend said bill by adding the following section, "And be it further enacted, that no person or persons who shall remove any building or buildings off of any lot or lots intended to be forfeited shall be benefited by any of the provisions of this act;" which was adopted. Ordered, that said bill be engrossed for a third reading on Monday next.

A bill to be entitled, an act assigning certain duties to the attorney general in addition to those already assigned by law, was read a 2d time.

Mr. Chambers moved, that the further consideration of said bill be indefinitely postponed; and the yeas and nays being desired, it was determined in the affirmative---ayes 12, nays 6. Those who voted in the affirmative, are

Mr. President, Conner, Chambers, Deveraux, Dentie, Elliott, Hanby, Hogg, Lucas, McVay, Rose, Wingate.

Those who voted in the negative, are

Messrs. Casey, Davis, Garth, Lanier, Trotter, Ware.

A bill to be entitled, an act to authorize the Catholic congregation of christians in the city of Mobile to sell certain real estate therein mentioned, and for other purposes, was read a second time. Ordered, that said bill be engrossed for a third reading on Monday next.

A bill from the House of Representatives, to be entitled, an act for the relief of Josiah D. Lister, sheriff of Washington county, was read a second time. Ordered, that said bill be made the order of the day for a third reading on Monday next.

A bill from the House of Representatives, to be entitled, an act to repeal part of an act therein named, was read a second time. Ordered, that said bill be committed to a committee of the whole house and made the order of the day on Monday next.

A bill from the House of Representatives, to be entitled an act authorizing the administrators of Robert Morrow, deceased, to sell real estate, was, on motion, ordered to lie on the table.

A bill to be entitled, an act to incorporate the Mobile Steam boat Company, was read the second time. Ordered, that said bill be engrossed and made the order of the day for a third reading on Monday next.

A bill to be entitled, an act concerning persons residing on the University lands, and who have not rented the same and for other purposes; was read a second time. On motion, Ordered, that said bill be referred to the committee on University Lands.

A bill to be entitled an act to remunerate John Cunningham was read a third time and passed. Ordered, that the title of said bill be, an act to remunerate John Cunningham. Ordered, that the Secretary notify the H. of Representatives thereof and request their concurrence.

A bill from the House of Representatives, to be entitled an act to authorize the administrators of Benjamin C. Benham deceased, to sell real estate, and for other purposes, was read a third time and passed. Ordered, that the Secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled an act to extend the time for collecting the tax and making returns to the persons

therein named, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

A bill from the House of Representatives, to be entitled an act to authorize the emancipation of certain slaves therein named, was read the first time; and on the question "shall this bill be read a third time?" it was resolved in the negative.

A bill to be entitled an act for the relief of George A. Thrash, was, on motion, *Ordered* to lie on the table for the present.

A bill to be entitled an act to alter the boundary line between the counties of Monroe and Clarke, was read a second time. *Ordered*, that said bill be made the order of the day for a 3d reading on Monday next.

A bill to be entitled an act to fix the permanent seat of Justice in the county of Tuscaloosa, and to provide for the erection of public buildings was read a second time by its caption. *Ordered* that said bill be committed to a committee of the whole house and made the order of the day for a third reading on Monday next.

On motion, the Senate adjourned till Monday morning 10 o'clock.

Monday, Nov. 19, 1821.

The Senate met pursuant to adjournment. Mr. Rose presented the petition of sundry citizens of Autauga county, praying to be added to Dallas county, which was read. On motion, *ordered* that said petition be referred to the committee on county boundaries.

Mr. Hogg, from the select committee, to whom was referred the petition of the citizens of Tuscaloosa county, made the following report: The select committee to whom was referred the petition of a number of the citizens of the county of Tuscaloosa, beg leave to report, that the petition is reasonable and ought to be granted. On motion *ordered* that said report lie on the table.

Mr. McVay called up the bill to be entitled an act to authorize Richard Rapiet, administrator of Claiborn Mays, deceased, to sell a certain lot of land therein mentioned, which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on tomorrow.

Mr. Garth gave notice that on tomorrow, he should ask for leave to introduce a bill to be entitled an act authorizing the administrator and administratrix of Thompson, deceased, to sell a quarter section of land in Morgan county.

An engrossed bill to be entitled an act to authorize the Governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the State, to the Huntsville Bank, was read a third time; and on the question "shall this bill pass?" the yeas and nays being demanded, it was determined in the affirmative. Yeas 9, nays 8.

Those who voted in the affirmative, are
Messrs. President, Carey, Chambers, Devareux, Dennis, Elliott, Hogg, Ware and Wingle.

Those who voted in the negative, are
Messrs. Conner, Davis, Garth, Hanks, Lucas, Lanier, McVay, and Rose.
Ordered, that the title of said bill be, an act to authorize the Governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the state, to the Huntsville Bank. *Ordered*, that the

secretary notify the House of Representatives thereof, and request their concurrence.

An engrossed bill to be entitled an act for the relief of purchasers of lots in the town of Cahawba, was read a third time. Mr. Davis moved to commit said bill to the committee on the judiciary, to examine and report thereon: and on the question being put, it was resolved in the negative. The question then recurred on the passage of said bill, and on the question "shall this bill pass?" it was resolved in the affirmative. Ordered, that the title of said bill be, an act for the relief of purchasers as the first sale of lots in the town of Cahawba. Ordered, that the secretary notify the House of Representatives thereof, and request their concurrence.

A message from the House of Representatives, by Mr. Morton:

Mr. President: I am instructed, by the House of Representatives, to inform you, that they have adopted the following resolution: *Resolved*, That a committee of two members be appointed to inform the Senate, that this House will be ready at the hour of 12 o'clock to-morrow, to go into the election of a solicitor for the first judicial circuit, and State Printer. On motion, *Ordered*, That said message lie on the table.

Mr. Chambers, agreeable to notice, asked for, and obtained leave to introduce a bill to be entitled an act to amend and repeal a part of the second section of an act to authorize the Governor to dispose of the public arms of this State, passed on the 7th day of December, 1820; which was read the first time. *Ordered*, That said bill be made the order of the day for a second reading on to-morrow.

An engrossed bill to be entitled an act to incorporate the Mobile Steam Boat Company, was read a third time and passed. *Ordered*, That the title of said bill be an act to incorporate the Mobile Steam Boat Company. *Ordered*, That the Secretary notify the House of Representatives thereof, and request their concurrence.

An engrossed bill to be entitled an act to alter the boundary line between the counties of Monroe and Clarke, was read a third time and passed. *Ordered*, That the title of said bill be, an act to alter the boundary line between the counties of Monroe and Clarke. *Ordered*, That the Secretary notify the House of Representatives thereof, and desire their concurrence.

An engrossed bill to be entitled an act to authorize the Catholic congregation of Christians, in the city of Mobile, to sell certain real estate, and for other purposes, was read a third time and passed. *Ordered*, That the title of said bill be, an act to authorize the Catholic congregation of Christians, in the city of Mobile, to sell certain real estate, and for other purposes. *Ordered*, That the Secretary notify the House of Representatives thereof, and desire their concurrence.

A bill to be entitled an act giving jurisdiction to certain counties therein named, was read a third time and passed. *Ordered*, That the Secretary notify the House of Representatives thereof.

A bill to be entitled an act for the relief of Joseph D. Lister, Esquire, Sheriff of Washington county, was on motion, *Ordered* to lie on the table for the present. A bill to be entitled an act to amend the several

acts in relation to the establishment of the Bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to this act, was, on motion, *Ordered* to lie on the table.

A bill to be entitled an act to authorize Asahel Akers, administrator of William White, deceased, to sell certain real estate, was called up.

Mr. McVay moved a reconsideration of the vote of the Senate agreeing to the amendments made by the select committee, in said bill; and on the question "will the Senate reconsider their vote?" it was resolved in the negative--said bill was then read a second time; and on motion, committed to a committee of the whole House, and made the order of the day for to-morrow.

A message from the House of Representatives, by Mr. Morton.

Mr. President: I am directed, by the House of Representatives, to inform your honourable body, that they have read a third time and passed, an act to fix the temporary seat of justice in the county of Bibb; also, an act to appoint commissioners to lay out a certain road therein named--which originated in your House; also an act for the relief of John Bishop; also, an act to incorporate the Tuskaloosa chapter & Alabama chapter of Royal Arch Masons; also, an act authorizing the Intendant & Council of the lower part of Tuskaloosa, to erect a toll bridge across the Black Warrior river; in all of which they desire your concurrence.

A bill from the House of Representatives, to be entitled, an act to incorporate the Tuskaloosa chapter and Alabama chapter of Royal Arch Masons, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled, an act for the relief of John Bishop, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled, an act to fix the temporary seat of justice in Bibb county, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled, an act authorizing the intendant and council of the lower part of Tuskaloosa, to erect a toll bridge across the Blackwarrior river, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A bill to be entitled, an act supplementary to the several acts in relation to highways, ferries and bridges, was read the second time. On motion, *Ordered*, that said bill be committed to a committee of the whole house: and made the order of the day for to-morrow.

A bill to be entitled, an act to authorize William G. Parish, David Johnston, Ojis Dyer, Benjamin Clements and their associates to erect a toll bridge across the Blackwarrior river at the falls of the town of Tuskaloosa, was read a second time.

On motion, *Ordered*, that said bill be committed to a committee of the whole house and made the order of the day on to-morrow.

A bill to be entitled, an act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine-Barren creek, and to

receive toll for keeping it in repair, was read a second time. On motion, Ordered, that said bill be committed to a committee of the whole house and made the order of the day on to-morrow.

A bill to be entitled, an act to extend the time for collecting the tax and making returns to the persons therein named, was read a second time. On motion, Ordered, that said bill be committed to a committee of the whole house and made the order of the day on to-morrow.

The Senate, according to order, resolved itself into a committee of the whole on the bill to be entitled, an act to repeal part of an act therein named, Mr. Elliott in the chair; and after some time spent therein, the committee rose, Mr. President, resumed the chair, and Mr. Elliott reported, that the committee of the whole house had, according to order, had said bill under consideration and had directed him to report progress, and ask leave to sit again, which was granted.

The Senate, according to order, resolved itself into a committee of the whole, on the joint resolution proposing amendments to the constitution of this state, Mr. Lucas in chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Lucas reported, that the committee of the whole, had, according to order had said resolution under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again; which was granted.

A bill to be entitled, an act to fix the permanent seat of justice in the county of Tuscaloosa, and to provide for the erection of the public buildings, was, on motion, ordered to lie on the table for the present.

Mr. Lucas, agreeably to notice, asked for, and obtained leave to introduce a bill, to be entitled an act to amend an act entitled an act to reduce into one the several acts concerning strays, passed on the 21st December, 1820, which was read the first time. Ordered, That said bill be made the order of the day for a second reading on to-morrow.

On motion, the Senate adjourned till to-morrow morning 10 o'clock.

Tuesday, November 20, 1821.

The Senate met pursuant to adjournment.

Mr. Rouse, from the committee to whom was referred so much of His Excellency, the Governor's message as relates to the sale of the University lands, reported, a bill to be entitled an act authorizing the sale of the college lands, & for other purposes, which was read the first time. Ordered, That said bill be made the order of the day for a second reading on to-morrow. The motion of Mr. Carey, Ordered, That said bill be made the order of the day for a second reading on to-morrow.

Mr. Hester presented the petition of sundry citizens of Mount Vernon, praying the passage of a law incorporating the Farmers' Court of said county, in which it was stated that the petitioners had the honor to send a memorial to the Senate, and that they had the honor to receive the following answer: "The Senate has the honor to receive your memorial, and to inform you that the same has been referred to the committee on agriculture, and that they have the honor to report that they are in favor of the same, and that they have the honor to recommend the passage of a law incorporating the Farmers' Court of said county."

The Senate proceeded to the report of Mr. Rouse, and to the consideration of the petition of the Farmers' Court of said county, and to the passage of a law incorporating the same. The Senate then proceeded to the consideration of the petition of the Farmers' Court of said county, and to the passage of a law incorporating the same.

Mr. Elliott presented the petition of Edwin Lewis, of Mobile county, praying the passage of a law authorizing him to cut out and open a road in said county, and receive toll for keeping it in repair; which was read. On motion, Ordered, That said petition be referred to the committee on highways, bridges and ferries.

Mr. Rose, from the select committee, to whom was referred the bill to be entitled an act to repeal the first section of an act passed at the called session, on the 18th June, 1821, entitled an act concerning persons residing on the University lands, who have not rented the same, reported, that said committee had, according to order, had the same under their consideration, and report, that in their opinion it is inexpedient to repeal the same; which was concurred in.

A message from the House of Representatives, by Mr. Morton:

Mr. President: I am instructed to inform your honourable body, that the House of Representatives have concurred in the amendment made by your honourable body to the act to authorize the administrator of the late Benjamin C. Benham, deceased, to sell a tract of land therein designated, and for other purposes; which amendment is at the close of said act, and is in these words "as soon as the said administrator shall have executed his bond to the Judge of the County Court, and his successors in office; conditioned, that the money arising from such sale shall be applied, according to law, in such cases made and provided.... On motion of Mr. Dennis, Mr. Elliott and Mr. Rose were added to the committee on inland navigation.

On motion of Mr. Trotter, the bill to be entitled an act for the relief of Josiah D. Lister, was taken up, and read a third time; and on the question "shall this bill pass?" it was resolved in the negative.

On motion of Mr. Lucas, the resolution from the House of Representatives proposing to go into the election of a solicitor for the first judicial circuit, and state printer, was taken up and concurred in. Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Conner, Mr. Hanby was added to the committee on inland navigation.

Mr. Lucas moved that the Senate disagree to the amendment made by the House of Representatives to the act to appoint commissioners to lay out a certain road therein named: and on the question being put, it was resolved in the affirmative.

A bill to be entitled an act to amend the several acts in relation to the establishment of the bank of the State of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, was taken up, and read a second time by its caption. (It was then ordered, That said bill be committed to a committee of the Senate, to report the same on the day on to-morrow.

A message from the House of Representatives, by Mr. Morton: Mr. President: I am instructed to inform your honourable body, that the House of Representatives have concurred in the amendment made by your honourable body to the act to authorize the administrator of the late Benjamin C. Benham, deceased, to sell a tract of land therein designated, and for other purposes; which amendment is at the close of said act, and is in these words "as soon as the said administrator shall have executed his bond to the Judge of the County Court, and his successors in office; conditioned, that the money arising from such sale shall be applied, according to law, in such cases made and provided.... On motion of Mr. Dennis, Mr. Elliott and Mr. Rose were added to the committee on inland navigation.

the amendment made by the House of Representatives in the bill to be entitled an act to appoint commissioners to lay out a certain road therein named; and the question being put, it was resolved in the affirmative. *Ordered*, That the Secretary notify the House of Representatives thereof.

A message from the House of Representatives, by Mr. Morton:

Mr. President: I am instructed to inform your honourable body, that the House of Representatives is now ready to receive the Senate; to go into the election of solicitor of the first judicial circuit, and state printer. Whereupon, the members of the Senate repaired to the representative chamber, and having taken the seats assigned them, Mr. President arose, and declared the object of the meeting, when both Houses proceeded to the election of a solicitor of the first judicial circuit to supply the vacancy occasioned by the resignation of John Gayle, Esq. Eldridge S. Greening and John Elliott, Esquires, being in nomination.

Those who voted for Mr. Greening, are

Messrs. Davis, Deveraux, Garth, Lanier, McVay, and Wingate, (Senate.) Mr. Speaker, Allen, Anderson, Armstrong, Ayers, Bagby, Barclay, Brown, Carr, Clay, Crenshaw, Craig, Davis, Edmundson, Evans, Elmore, Fleming, Graham, Holderness, Hopkins, King, Leake, Montgomery, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, Pickett, Philpott, Parcham, Smith and Vining—41.

Those who voted for Mr. Elliott, are

Messrs. President, Casey, Conner, Chamber-, Dennis, Hanby, Hogg, Lucas, Rose, Trotter and Ware, (Senate.) Messrs. Boone, Dabney, Duckworth, Fitzpatrick, Hardwicke, Jones, Kennedy, McHenry, Norwood, Powell, Perry, Skinner, Tagert, Thompson, Weedon, Williams and Williamson—23.

Mr. Greening having a constitutional majority, Mr. Speaker arose and declared Eldridge S. Greening duly elected solicitor of the first judicial circuit, in and for the State of Alabama.

Both Houses then proceeded to the election of a state printer, William B. Allen being in nomination, all the members present voting for Mr. Allen, Mr. Speaker declared him duly elected. The elections having been gone through, the members of the Senate returned to their own chamber, and Mr. President resumed the chair.

When, on motion, the Senate adjourned till 3 o'clock.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

On motion the Senate adjourned till to-morrow morning 9 o'clock.

Wednesday, November 21, 1821.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they adhere to their amendment to the bill to be entitled, an act to appoint commissioners to lay out a certain road therein named, by striking out the proviso therein contained.

The following message was also received by the same gentleman:

Mr. President; I am instructed to inform your honorable body, that the House of Representatives have read a third time and passed, the following bills: An act permanently to fix the seat of justice for the county of Tuskaloosa; also, an act authorizing a lottery for the making of a turnpike road leading from the city of Mobile to Bogu -Chitto creek in Mobile county; and to authorize a lottery to erect and furnish

a Masonic Hall for the use and benefit of Russellville Lodge, No. 7; also, an act to establish a road therein named; also, an act to establish additional election precincts in certain counties therein named, and for other purposes; also, an act for the relief of William Walton; also, an act divorcing certain persons therein named; in all which they desire your concurrence. They have, also, read a third time and passed, an act to authorize the judge of the county court of St. Clair county, to levy a tax to remunerate John Cunningham; which originated in your honorable body: They have, also, read a third time and passed, an act to alter and extend the boundaries of Limestone county; in which they also, desire your concurrence.

Mr. Hogg moved, a reconsideration of the vote of the Senate on the passage of the bill to be entitled, an act for the relief of Josiah D. Lister, Esq. sheriff of Washington county; and on the question "will the Senate reconsider their vote?" It was resolved in the affirmative.

Ordered, that said bill lie on the table for the present.

On motion of Mr. Lucas, the bill to be entitled, an act to appoint commissioners to lay out a certain road therein named, was ordered to lie on the table.

Mr. Wingate, from the committee on enrolled bills, reported, that said committee had examined an act to authorize the administrators of Benjamin C. Benham, deceased, of Limestone county, to sell a certain tract of land therein designated, and for other purposes, and found the same duly enrolled: A bill from the House of Representatives, to be entitled, an act to alter and extend the boundaries of Limestone county: A bill to be entitled, an act divorcing certain persons therein named: A bill to be entitled, an act authorizing a lottery for the making of a turnpike road leading from the city of Mobile, to Bogue-Chitto creek in the county of Mobile, and for other purposes: A bill to be entitled, an act permanently to fix the seat of justice in the county of Tuscaloosa: A bill to be entitled, an act to establish a road therein named: A bill to be entitled, an act for the relief of William Walton; and, a bill to be entitled, an act to establish additional election precincts in certain counties therein named, were severally read the first time. *Ordered*, that said bills be made the order of the day for a second reading on tomorrow.

A bill to be entitled, an act to authorize Richard Rapier, administrator of Claiborn Mays, deceased, to sell a certain lot therein mentioned, was read a second time. *Ordered*, that said bill be made the order of the day for a second reading on tomorrow.

A bill to be entitled, an act to amend and repeal a part of the second section of an act to authorize the Governor to dispose of the public arms of this state, passed on the 7th December, 1820, was read a second time. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

A bill from the House of Representatives, to be entitled, an act to incorporate the Tuscaloosa Chapter, and Alabama Chapter of Royal Arch Masons, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on tomorrow.

A bill from the House of Representatives, to be entitled, an act for the relief of John Bishop, was read a second time. *Ordered*, that said bill be made the order of the day for a third reading on tomorrow.

A bill from the House of Representatives, to be entitled, an act to fix the temporary seat of justice in Bibb county, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on tomorrow.

A bill from the House of Representatives, to be entitled, an act to authorize the Intendant and Council of lower Tuscaloosa, to erect a toll bridge across the Black Warrior river, was read a second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day on Friday next.

A bill to be entitled, an act to amend an act, to reduce into one the several acts concerning strays, passed December 21, 1820, was read the second time. *Ordered*, that said bill be engrossed for a third reading on tomorrow.

On motion, the senate according to order, resolved itself into a committee of the whole, on the joint resolution proposing amendments to the Constitution of this state, Mr. Elliott in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Elliott reported, that the committee of the whole had, according to order, had said resolution under their consideration and had directed him to report the same without amendment; which was concurred in. Said resolution was then read a third time.

Mr. Hogg proposed the following amendment to said resolution: amendment proposed to the twenty-ninth section of the third article of the constitution of the state of Alabama, "that the General Assembly shall have power at any session previous to the session in the year 1825, to adjourn the General Assembly to meet at any other place they may think expedient, on account of disease or any other cause;" and the question being put, on the adoption of said amendment; the yeas and nays being desired, it was determined in the affirmative---yeas 13, nays 5. Those who voted in the affirmative, are

Mr. President, Conner, Chambers, Davis, Devereux, Garth, Hanby, Hogg, Lucas, Lanier, McVay, Rose, Wingate.

Those who voted in the negative, are

Messrs. Casey, Dennis, Elliott, Trotter, Ware.

Ordered, that said resolution be engrossed for a third reading on tomorrow.

On motion of Mr. Elliott, the rule which requires one days notice before the introduction of a bill or joint resolution was dispensed with, and leave was given him to introduce the following resolution:

Resolved, by the Senate and House of Representatives of the state of Alabama in General Assembly convened, that the Senators and Representative of this state, in the Congress of the United States be instructed to use their exertions in causing the attention of the Congress of the United States, to be directed towards the subject of connecting the waters of the Holston and Tennessee rivers, with the waters of the Mobile, by a canal from the Hiwassee, to the Connesauga river; and should the connexion between the above named rivers be deemed practicable,

procure from the General Government such pecuniary or other aid, in relation to the same, as in its wisdom it may think proper to contribute.

And be it further resolved by the authority aforesaid, That the Governor of this State be requested to forward as early as possible, copies of this resolution to each of our senators and our representative in Congress; which was read the first time.

On motion, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said resolution was read a second time by its caption.

Mr. Garth moved to amend said resolution after the words "Combesauga river," by adding the following "and of connecting the head waters of Tuskaloosa river with the head waters of Flint, emptying into Tennessee river, in the county of Morgan;" and the question being put, on the adoption of said amendment, the yeas and nays being called for it was determined in the negative. Yeas 5---Nays 13.

Those who voted in the affirmative, are
Messrs. Conner, Garth, Hamby, Hogg and Lanier.

Those who voted in the negative, are
Mr. President, Casey, Chambers, Davis, Deveraux, Dennis, Elliott, Lucas, McVay, Rose, Trotter, Ware and Wingate.

Ordered, That said resolution be engrossed and made the order of the day for a third reading this evening.

On motion of Mr. Casey, the Senate, according to order, resolved itself into a committee of the whole, on the bill to be entitled an act to extend the time for collecting the tax, and making returns to the persons therein named, Mr. Rose in the chair: and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Rose reported, that the committee of the whole House had, according to order, had said bill under their consideration, and had directed him to report progress, and ask leave to sit again; which was granted.

A message from the House of Representatives, by Mr. Armstrong: Mr. President: I am directed to inform your honourable body, that the House of Representatives have read a third time and passed, an act to authorize the Catholic congregation of Christians, in the city of Mobile, to sell certain real estate therein mentioned, and for other purposes, and have amended the same by adding the following proviso: "*Provided however,* That the property shall be first offered at public sale."

They have also, read a third time and passed an act to incorporate the Mobile Steam Boat Company; all of which originated in your House, and in all of which they desire your concurrence.

Mr. Elliott presented the account of William Dunn for services rendered in examining the Tuskaloosa river, above the town of Tuskaloosa, in pursuance of a resolution passed at the called session of the legislature of this State, which was referred to the committee on claims.

On motion the Senate adjourned till 3 o'clock, P. M.

3 O'clock, P. M.

The Senate met pursuant to adjournment.

On motion the Senate, according to order, *Resolved*, itself into a committee of the whole, on the bill to be entitled an act to repeal part of an act therein named, Mr. Chambers in the chair: and after some time

spent therein, the committee rose, Mr. President resumed the chair; and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under their consideration, and had directed him to report the same without amendment; which was concurred in. Said bill was then read a third time and passed. *Ordered*, That the Secretary notify the House of Representatives thereof.

On motion the Senate, according to order, resolved itself into a committee of the whole, on the bill to be entitled an act to authorize William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, to erect a toll bridge across the Black Warrior at the Falls of the town of Tuscaloosa; Mr. Garth in the chair; and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with an amendment; which was concurred in. Said bill was then read a third time, by its caption, and passed. *Ordered*, That the secretary acquaint the House of Representatives thereof.

On motion of Mr. Elliott, the rule which requires one days notice before the introduction of a bill or joint resolution was dispensed with, and leave was given him to introduce the following resolution:

Be it resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our representative be requested to use their exertions to procure the appropriation of the two per cent. fund reserved out of the moneys received from the sales of public lands in this state subsequent to the first day of September, 1819, for the purpose of making roads to this state under the direction of Congress pursuant to the provisions of the act of admission.

Be it further resolved by the authority aforesaid, that His Excellency the governor of this state be requested to forward a copy of the above resolution, to each of our Senators & our Representative in Congress at the earliest period; which was read the first time. *Ordered*, that said resolution be made the order of the day for a second reading on to morrow.

On motion the Senate, according to order, resolved itself into a committee of the whole, on the bill to be entitled; an act supplementary to the several acts in relation to highways, ferries and bridges. Mr. Elliott, in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Elliott reported, that the committee of the whole had, according to order, had said bill under their consideration and directed him to report the same without amendment; which was concurred in. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on to morrow.

On motion the Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled, an act to authorize Asahel Akers, administrator of William White, deceased, to sell certain real estate. Mr. Casey in the chair; and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole, had, according to order, had

under their consideration said bill, and ~~had~~ directed him to report the same with an amendment: which was concurred in. *Ordered*, that said bill be engrossed and made the order of the day on to morrow.

On motion of Mr. Casey, the committee of the whole was discharged from the further consideration of the bill to be entitled, an Act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine-Barren creek, and receive toll for keeping it in repair.

Ordered, that said bill lie on the table.

On motion of Mr. Elliott, the Senate concurred in the amendment made by the House of Representatives, to the bill to be entitled, an act to authorize the Catholic congregation of christians in the city of Mobile, to sell certain real estate.

On motion, *Ordered*, that the bill to be entitled, an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, be laid on the table.

An engrossed resolution to instruct the Senators and Representative of this state, to use their exertions to cause the attention of Congress to be directed towards the practicability of connecting the waters of the Holston and Tennessee rivers with the waters of the Mobile river, was read a third time and passed. *Ordered*, that the secretary notify the House of Representatives thereof and request their concurrence.

On motion, the Senate adjourned till to morrow morning 10 o'clock.

Thursday, November, 22, 1821.

The Senate met pursuant to adjournment.

On motion of Mr. Hogg, the committee on claims were discharged from the further consideration of the claim of William Dunn for services performed in examining the Tuskaloosa river, above the town of Tuskaloosa.

Mr. President laid before the Senate a communication from Harry Toulmin, Esq. upon the subject of digesting the laws of this state, which was referred to the committee on the judiciary.

On motion of Mr. Trotter, the bill to be entitled, an act for the relief of Josiah D. Lister, Esq. sheriff of Washington country, was taken up and on the question "shall this bill pass?" The yeas and nays being desired, it was determined in the affirmative---yeas 11, nays 7.

Those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Deveraux, Dennis, Elliott, Lucas, M'Vay, Trotter, Ware.

Those who voted in the negative, are

Messrs. Davis, Garth, Harby, Hogg, Laidier, Rose, Wingate.

The engrossed resolution, proposing amendments to the constitution of this state, was read a third time.

Mr. M'Vay proposed the following as an amendment to said resolution by way of rider.

"Be it further resolved, that the members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the commencement of the general election, and no longer, instead of one year, according to the second section of the third article of the constitution of this state."

"And be it further resolved, that Senators of the state legislature shall

be chosen by the qualified electors, at the same time, in the same manner, and at the same places, that members of the House of Representatives are chosen, and shall serve the term of two years from the day of the commencement of the general election, and no longer, any thing in the constitution to the contrary notwithstanding."

"And be it further resolved, that the sessions of the legislature of this state shall be held once in every term of two years, and not oftener, unless, when convened according to the provisions of the eighth section of the fourth article of the constitution of this state."

Mr. Casey moved, to divide the question on the adoption of said amendment, and on the question being put, it was resolved in the negative. Ordered, that said resolution lie on the table for the present.

On motion the Senate, according to order, resolved itself into a committee of the whole house, on the bill to be entitled, an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, Mr. Lucas in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Lucas reported, that the committee of the whole, had according to order, had said bill under consideration, and directed him to report the same with sundry amendments; which were concurred in.

On motion, ordered, that said bill lie on the table for the present.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am directed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, an act to provide for digesting the laws of this state; in which they desire your concurrence.

On motion, the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

When on motion, the Senate adjourned until to morrow morning ten o'clock.

Friday, November 23, 1821.

The Senate met pursuant to adjournment.

A bill from the House of Representatives, to be entitled, an act to provide for digesting the laws of the state of Alabama, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time. Ordered, that said bill be made the order of the day for a third reading on Monday next.

An engrossed bill to be entitled, an act supplementary to the several acts in relation to highways, bridges and ferries, was read the third time and passed. Ordered, That the title of said bill be altered from a bill to an act supplementary to the several acts in relation to highways, ferries and bridges. Ordered, That the secretary notify the House of Representatives thereof, and desire their concurrence.

An engrossed bill to be entitled an act to authorize Asahel Akers, administrator of William White, deceased, to sell certain real estate, was read a third time and passed. Ordered, That the title of said bill be

altered from that of a bill to an act to authorize administrators to sell real estate in certain cases. *Ordered*, That the secretary notify the House of Representatives thereof, and request their concurrence.

An engrossed bill to be entitled an act to amend and repeal part of the second section of an act to authorize the Governor to dispose of the public arms of this state, passed on the 7th day of December, 1820, was read a third time and passed. *Ordered*, That the title of said bill be altered from that of a bill, to an act to amend and repeal part of the second section of an act to authorize the Governor to dispose of the public arms of this state, passed on the 7th day of December, 1820.---*Ordered*, That the secretary acquaint the House of Representatives thereof, and desire their concurrence.

An engrossed bill to be entitled an act, to amend an act entitled an act to reduce into one, the several acts concerning strays, passed 21st. December, 1820, was read a third time and passed. *Ordered*, That the title of said bill be altered from a bill to an act to amend an act, entitled an act to reduce into one, the several acts concerning strays, passed 21st. December, 1820. *Ordered*, That the secretary notify the House of Representatives thereof, and request their concurrence.

A bill from the House of Representatives, to be entitled, an act to fix the temporary seat of justice in the county of Bibb, was read a third time and passed. *Ordered*, That the secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled an act to authorize Richard Rapiet, administrator of Claiborne Mays, deceased, to sell a lot therein named; was read a third time and passed. *Ordered*, That the secretary acquaint the House of Representatives thereof.

A bill from the House of Representatives, to be entitled an act to incorporate the Tuskaloosa chapter, and Alabama chapter of Royal Arch Masons, was read a third time and passed. *Ordered*, That the secretary notify the House of Representatives thereof.

A bill from the House of Representatives to be entitled an act for the relief of John Bishop, was read a third time; and on the question, "shall this bill pass?" It was resolved in the negative.

A bill to be entitled an act authorizing the sale of the college lands, and for other purposes, was read the second time. On motion, *Ordered*, That said bill be committed to a committee of the whole House, and made the order of the day on Monday next.

A bill from the House of Representatives, to be entitled an act permanently to fix the seat of justice in the county of Tuskaloosa, was read a second time. *Ordered*, That said bill lie on the table for the present.

A bill from the House of Representatives, to be entitled, an act to alter and extend the boundaries of Limestone county, was read a second time. *Ordered*, that said bill lie on the table for the present.

Mr. Chambers gave notice, that on to morrow, he should ask for leave to introduce a bill to be entitled, an act to authorize Leonard Abercrombie to emancipate certain slaves therein named.

A bill from the House of Representatives, to be entitled, an act to divorce certain persons therein named, was read a second time. *Ordered*,

that said bill be made the order of the day for a third reading on to-morrow.

On motion of Mr. Davis, the bill to be entitled, an act to alter and extend the boundaries of Limestone county, was taken up, and ordered to be made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives to be entitled, an act to authorize a lottery for the making of a turnpike road leading from the city of Mobile to Bogue-Chitto creek, in Mobile county; and to authorize a lottery to erect and furnish a Masonic Hall for the use and benefit of Russellville Lodge, No. 7; was read a second time. On motion, *Ordered*, that said bill be referred to a select committee to examine and report thereon: Whereupon, Messrs. Elliott, Casey and Lucas, were appointed said committee.

A joint resolution, to instruct our Senators and request our Representative in Congress, to use their exertions to procure the appropriation of the two per cent. fund for the purpose of making roads to this state in conformity with the act of admission, was read a second time.

Ordered, that said resolution be engrossed for a third reading on to-morrow.

A bill from the House of Representatives to be entitled, an act to establish a road therein named, was read a second time. *Ordered*, that said bill be made the order of the day on to-morrow.

A bill to be entitled, an act to authorize John Rose to cut out and open a road from the town of Cahawba to Pine-Barron creek, and receive toll for keeping it in repair, was read a third time and passed.

Ordered, that the secretary notify the House of Representatives thereof.

Mr. Chambers gave notice that on to-morrow, he should ask for leave to introduce a bill to be entitled, an act to prevent justices of the peace from rendering judgement for debt, in any but the district or beat in which the debtor resides.

Mr. Lucas gave notice, that on to-morrow, he should ask for leave to bring in a bill to regulate appeals from justices' courts, to the county or circuit courts.

A bill to be entitled, an act for the relief of William Walton, was read a second time. *Ordered*, that said bill be made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives to be entitled, an act to establish additional election precincts in the counties therein named, and for other purposes, was read a second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day on to-morrow.

Mr. Lucas moved, that the bill to be entitled, an act to extend the time for collecting the tax, and making returns to the persons therein named, be laid on the table until the first day of December next; and on the question being put, the yeas and nays being desired, it was determined in the affirmative---yeas 13, nays 5. Those who voted in the affirmative, are

Mr. President, Conner, Chambers, Devereux, Dennis, Hanly, Hogg, Lucas, Lanier, Rose, Trotter, Ware, Wingate.

Those who voted in the negative, are
Messrs. Casey, Davis, Elliott, Garth, M'Vay.

On motion of Mr. Hogg, the committee of the whole was discharged from the further consideration of the bill to be entitled, an act to authorize the intendant and council of lower Tuskaloosa to erect a toll brige across the Blackwarrior river. Said bill was then read the third time and passed. *Ordered*, that the secretary notify the House of Representatives thereof.

On motion the Senate adjourned till to morrow morning 10 o'clock.

Saturday, Nov. 24, 1821.

The Senate met pursuant to adjournment.

Mr. Garth proposed the adoption of the following resolution: *Resolved*, That no new business shall be introduced after Monday next; and the question being put on the adoption of said resolution, the yeas and nays being desired, it was determined in the negative. Yeas 5--- Nays 11.

Those who voted in the affirmative, are

Messrs. Chambers, Rose, Trotter, and Wingate.

Those who voted in the negative, are

Mr. President, Conner, Davis, Deveraux, Dennis, Elliott, Hogg, Lucas, Lanier, McVay and Ware—11.

Mr. Conner obtained leave to introduce a bill to be entitled an act declaring the Mulberry fork of Tuskaloosa river navigable from its junction with the Sipsie fork to Baltimore; which was read the first time... *Ordered*, That said bill be made the order of the day for a second reading on Monday next.

An engrossed resolution to instruct our senators, and request our representative in Congress to use their exertions to procure the appropriation of the two per cent fund, for the purpose of making roads to this state, in conformity with the act of admission, was read the third time and passed. *Ordered*, That the secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled an act to divorce certain persons therein named, was read the third time; and on the question, "shall this bill pass?" it was determined in the affirmative by a constitutional majority. The yeas and nays being required.

Those who voted in the affirmative, are

Mr. President, Casey, Conner, Davis, Deveraux, Dennis, Elliott, Garth, Hanby, Hogg, Lucas, Rose, Trotter, Ware and Wingate—15.

Those who voted in the negative, are

Messrs. Lanier and McVay—2.

Mr. Elliott, from the committee to whom was referred the bill to be entitled, an act authorizing a lottery for the making of a turnpike road, leading from the city of Mobile to Bogue-Chitto creek, in the county of Mobile, and for other purposes; reported the same with sundry amendments, which was concurred in. *Ordered*, That said bill be made the order of the day for a third reading on Monday next.

A bill from the House of Representatives, to be entitled, an act to alter and extend the boundaries of Limestone county, was read the third time; and on the question "shall this bill pass?" the yeas and nays being desired, it was determined in the affirmative:

Those who voted in the affirmative, are

Mr. President, Casey, Davis, Dennis, Elliott, Gath, Hogg, Lanier, Rose, Trötter, Ward and Wingate—12.

Those who voted in the negative, are

Messrs. Chambers, Deveraux, Hanby, and McVay—4.

Ordered, That the secretary notify the House of Representatives thereof.

A bill to be entitled an act to establish a road therein named, was read a third time and passed. *Ordered*, That the secretary notify the House of Representatives thereof.

On motion, the bill to be entitled, an act for the relief of William Walton, was *Ordered* to lie on the table for the present.

A bill to be entitled, an act to establish additional election precincts in the counties therein named, and for other purposes; was *Ordered* to lie on the table for the present.

On motion the bill to be entitled an act to authorize the administrators of Robert Morrow, deceased, to sell real estate, was taken up, and read a second time. *Ordered*, That said bill be made the order of the day for a third reading on Monday next.

A bill to be entitled an act permanently to fix the seat of justice in the county of Tuskaloosa, was taken up. Mr. Casey proposed an amendment to said bill, providing for fixing the permanent seat of justice in the county of Perry; which was adopted. *Ordered*, That said bill be made the order of the day for a third reading on Monday next.

Mr. Chambers, agreeably to notice, asked for and obtained leave to introduce a bill to be entitled, an act to authorize Leonard Abercrombie, to emancipate certain slaves therein named, which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

On motion, the bill from the House of Representatives to be entitled, an act to amend an act giving jurisdiction to certain counties therein named, was taken up, read a third time and passed. *Ordered*, that the secretary notify the House of Representatives thereof.

The bill to be entitled, an act to appoint commissioners to lay out a certain road therein named, was taken up; and on motion, the Senate receded from their disagreement to the amendment made by the House of Representatives to said bill. *Ordered*, that the secretary notify the House of Representatives thereof.

On motion, the bill from the House of Representatives to be entitled, an act to authorize the administrator and administratrix of Thomas Talbert, deceased, to sell real estate, was taken up, read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

Mr. Lucas gave notice that on Monday next, he should ask for leave to introduce a bill to be entitled, an act to restrain the emancipation of slaves, & to prevent free persons of colour from entering into this state.

On motion the Senate adjourned till Monday morning at 10 o'clock.

Monday, November 26, 1821.

The Senate met pursuant to adjournment.

Mr. Rose, from the select committee, to whom was referred so much of His Excellency, the Governor's message as relates to certain resolu-

tions of the Legislature of the state of Georgia, made the following report:

The select committee to whom was referred that part of His Excellency the governor's message which relates to certain resolutions passed by the legislature of Georgia, and transmitted to the governor of this state, have had the same under their consideration; and after mature deliberation thereon, most respectfully recommend, that in their opinion the attention of the general government should be called to this most desirable object, at as early a period as practicable. Your committee further beg leave to introduce the following resolutions:

Whereas it has been represented to the general assembly of this state by certain resolutions passed by the legislature of Georgia, that the Creek & Cherokee nations of Indians are desirous to make certain cessions of their territory by which the settlements of Alabama, Tennessee and Georgia would become connected, and thereby greatly facilitate the personal and commercial intercourse and traffic of the citizens of the said states:

Therefore, be it resolved by the Senate and House of Representatives of the state of Alabama in general assembly convened, that our Senators then in Congress of the United States be instructed, & our Representative requested, to use their best endeavours to have an appropriation made for holding a treaty or treaties with said nations of Indians.

And be it further resolved, that a copy of this preamble and resolution, be transmitted by His Excellency the Governor to each of our Senators and Representative. The said resolutions were read the first time, and ordered to be made the order of the day for a second reading on to-morrow.

On motion of Mr. M'Vay, the rule which requires one days notice before the introduction of a bill was dispensed with, and leave was granted him to introduce a bill to be entitled, an act to repeal the second section of an act entitled, an act for the relief of master builders and mechanics of the state of Alabama; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed, a bill entitled, an act to fix the time for convening the general assembly of the state of Alabama; in which your concurrence is requested.

They have read a third time and passed, an act to alter the boundary line between the counties of Clarke and Monroe; which originated in your honourable body; also,

An act authorizing William Crawford, and company, of Franklin county, to build a mill and other water works, on the Tennessee river, and for other purposes; in which they desire your concurrence.

A bill to be entitled an act declaring the Mulberry fork of the Tuskalooosa river navigable from its junction with the Sipsie fork, to Baltimore; was read the second time. *Ordered*, That said bill be engrossed, and made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled an act authorizing the reorganization of H. Hunt Mason, deceased, to sell certain real estate, was read the third time and passed. Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Garth gave notice, that on to-morrow he should ask for leave to introduce a bill, having for its object the payment of witnesses attending courts in behalf of the state.

A bill to be entitled an act to authorize Leonard Abercrombie to emancipate certain slaves therein named, was read a second time. Ordered, That said bill be committed to a committee of the whole House, and made the order of the day on to-morrow.

A bill from the House of Representatives, to be entitled an act permanently to fix the seat of justice in Tuscaloosa county, was read a third time as amended, and passed. Ordered, that the title of said bill be altered from a bill, to that of an act, permanently to fix the seats of justice in the counties of Tuscaloosa and Perry. Ordered, that the Secretary notify the House of Representatives thereof and request their concurrence.

Mr. Garth moved, a reconsideration of the vote of the senate, ordering the bill to be entitled an act to authorize a Lottery, for the making of a turnpike road leading from the city of Mobile to Boguechitto creek in the county of Mobile, and for other purposes, to be read the third time; and on the question being put it was resolved in the affirmative.

Mr. Garth then proposed the following as an amendment to said bill.

"And be it further enacted, That the Worshipful master and officers of every Lodge of ancient free masons in the state of Alabama, shall have the privilege of raising by lottery, the sum of three thousand dollars for the use and benefit of their lodges respectively, as prescribed by the provisions of the act for the benefit of the Russellville Lodge No. seven of ancient free masons" which was adopted.

On motion, the rule which requires amendments to be read on three several days was dispensed with, and said bill, together with the amendments, was read a second and third time and passed. Ordered that the Secretary notify the House of Representatives thereof, and desire their concurrence.

The Senate according to order, resolved itself into a committee of the whole, on the bill to be entitled an act authorizing the sale of the college lands and for other purposes, Mr. Lucas in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Lucas reported, that the committee of the whole, had according to order, had said bill under consideration and directed him to report the same without amendment; which was concurred in.

Mr. Chambers agreeably to notice, asked for and obtained leave to introduce a bill to be entitled an act relating to justices of the Peace, which was read the first time. Ordered, that said bill be made the order of the day for a second reading on tomorrow.

The following communication was received from His Excellency the Governor, by James J. Pugh, Esq. Secretary of State.

Executive Department, May 10, 1833.

Governors of the Senate, and of the House of Representatives;

The irregularity discovered in the returns of the elections of justices of the Peace appears to require some legislative provision. These elections are generally to fill vacancies occasioned by the resignation, death, or removal from the county of others who had filled the same offices, and sometimes by the formation of new military beats. The returns of these elections often omit to notice the nature of the vacancy, or the name of the preceding magistrate who has resigned, died, or removed. Hence the Executive records will not exhibit with any degree of certainty the justices acting in commission at any one time.

This defect will appear very essential, when it is considered how often it becomes the Executive duty to grant certificates of Magistracy.

Nor has any mode been provided for deciding contested elections for these offices.

In calling the attention of the Legislature to this subject, it may not be an improper occasion to suggest the inquiry, whether some change may not be expedient in the mode of appointing this important class of officers.

I am very sensible of the difficulty of devising any plan that may not be objectionable. That now existing in this state is liable to some serious objections. *Judicial* appointments of every grade should if possible, be so made as not to require the candidate to enter into a popular canvass; and in elections on this scale, men of the greatest merit will not always press themselves into successful notice. It may also be remarked, that neither the jurisdiction nor the usefulness of this Magistrate is confined to the military beat which selects him. The whole county is interested in a judicious selection, and ought to have some share in the appointment.

The mode which appears to me most advisable is the following:

Let a poll be kept annually at the general election in each county for five or more discreet persons---these when elected to be a council or committee of appointment for the county. This council may be entrusted with the appointment not only of justices, but also of constables, coroners, notaries public, assessors and collectors of taxes, county treasurers and clerks, (when officers of the last description may be constitutionally so chosen.) In case of a vacancy in any of these offices, the members of the council may be assembled at the office of the county clerk, for the purpose of filling it. Whose duty it may be made to keep a book for entry of appointments, and for noting resignations or other causes of vacancy. It may also be the duty of the clerk to administer and file the oaths of office, and enter a minute of the same on his book. For which service a small fee from the officer qualifying would answer as a compensation. It being the duty of the clerk to forward a certificate of all appointments requiring a commission from the governor, and also the resignations or other causes of vacancy.

This body may also perform the duties of commissioners of revenue and finance.

In the appointment of the members of this council it is presumable

the people would every where feel an interest that men of respectability and steadiness should be selected: and the office being altogether honorary it would not be deemed worth running after by those who would be unworthy of it.

I would also take this occasion to mention that very few of the officers of clerks of county or circuit courts are furnished with seals. It may be advisable to make some provision that these should be furnished out of the county funds, and to injoin this duty on the county judge or some other officer.

I have the honor to be your most obedient,

ISRAEL PICKENS.

The message was read, and on motion, ordered to lie on the table.

The bill to be entitled, an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, was taken up; and on motion, ordered to be engrossed for a third reading on to morrow.

On motion, the committee of the whole was discharged from the further consideration of the bill to be entitled, an act to establish additional election precincts in the counties therein named, & for other purposes.

Mr. Casey proposed the following additional section, as an amendment to said bill, viz:

"And be it further enacted, that there shall be one additional election precinct at the house of Joseph Van, for the county of Dallas; and an additional election precinct at the house of Michael Carter, for Henry county;" which was adopted.

Mr. M'Vay moved, to strike out the word "two" in the first section of said bill and insert in lieu thereof, the word "three;" and the question being put, it was resolved in the affirmative.

Mr. M'Vay then moved, to insert the following, after the words "military road" in the first section of said bill, "and one election precinct at the house of Andrew M' Micken, Esq.; and on the question being put, it was resolved in the affirmative.

Mr. Lanier proposed the following additional section, as an amendment to said bill:

"And be it further enacted, that there shall be an additional election precinct established, at the house of Mr. Farler, (the place where Abraham Lewis formerly lived,) on the road leading from Huntsville to Col. Burrus' in Madison county;" which was adopted.

The engrossed resolution proposing amendments to the constitution of this state, was, on motion, taken up. Mr. M'Vay moved, that the amendment proposed by him to said resolution, by way of rider, be adopted; and on the question being put, it was resolved in the negative.

The question was then put on the passage of said resolution and determined in the affirmative by a constitutional majority--yeas 13, nays 4.

The yeas and nays being required, those who voted in the affirmative, are

Mr. President, Eames, Chambers, DeLoach, Drane, Elliot, Hays, Hays, Jones, Roca, Proctor, Wingo, Wingo.

Those who voted in the negative, are
Messrs. Casey, Davis, Gresham, Lanier, M'Vay.

Ordered, that the Secretary notify the House of Representatives thereof, and desire their concurrence.

A message from the House of Representatives, by Mr. Martin:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed a bill to be entitled, an act for the relief of purchasers at the first sales of lots in the town of Cahawba, and have amended the same in sundry places, to wit: In the first section after the word "purchased" by adding the words "prior to the first day of January, 1820." In the second section by striking out the figures "1821" and inserting in lieu thereof the figures "1820." In the third section by striking out all the section to the proviso, and inserting in lieu thereof the following:

"Sec. 3. And be it further enacted, that all debts due from the purchasers or legal holders of lots in the town of Cahawba shall be paid in four equal annual instalments without interest. The first instalment to become due on the first day of January, 1822; and the debtors aforesaid shall be entitled to a discount of 25 per cent. on each instalment if punctually paid." And in the fourth section between the words "unpaid" and "provided," they have inserted the following, "and if complete payment shall be made on or before the 20th day of May, 1822, a deduction at the rate of fifty per cent. shall be allowed upon the sum remaining unpaid." In all which they desire your concurrence.

A message from the house of representatives, by Mr. Morton: Mr. President, I am instructed by the house of representatives to inform your honorable body, that they have read a third time and passed,

An act to establish the permanent seat of justice in the county of Shelby;

An act to authorize the sale of certain lands therein named;

An act to appoint commissioners to lay out a certain road therein designated; An act to amend the laws now in force in this state for the punishment of the crime of horse stealing; and An act for the relief of John M'Shan of Jefferson county. In all of which they desire your concurrence.

Mr. Wingate, from the committee on enrolled bills, reported; that said committee had examined the following bills, and found the same correctly enrolled, viz. An act to incorporate the Mobile Steam Boat Company. An act to authorize the Judge of the county court of St. Clair county to levy a tax to remunerate John Cunningham. An act to authorize the Catholic Congregation of christians in the city of Mobile to sell certain real estate therein mentioned, & for other purposes. An act to prevent sheriffs and other officers from levying executions in certain cases. An act to repeal part of an act therein named. An act for the relief of Josiah D. Lister, Esq. sheriff of Washington county. An act to fix the temporary seat of justice in the county of Bibb. An act to authorize Richard Rapier, administrator of Claiborn May's, deceased, to sell a certain lot therein mentioned. An act to authorize Wm. G. Parish, David Johnston, Otis Dyer, Benj. Clements and their associates to erect a toll bridge across the Black Warrior River. An act to amend an act giving jurisdiction to certain counties therein named. An act to alter and extend the boundaries of Limestone county.

An act to authorize the intendant and council of the lower part of Tuscaloosa to erect a toll bridge across the Black Warrior river. An act divorcing certain persons therein named. An act to authorize the administrator and administratrix of Thomas Talbert, deceased, to sell and convey certain real estate; and An act to incorporate Tuscaloosa chapter and Alabama chapter of Royal Arch Masons; all of which were severally signed by Mr. President.

On motion the Senate adjourned till 3 o'clock P. M.

3 o'clock P. M. The Senate met pursuant to adjournment.

On motion, the Senate concurred in the amendments made by the house of representatives, to the bill to be entitled an act for the relief of the purchasers at the first sales of lots in the town of Cahawba. *Ordered* that the Secretary notify the House of Representatives thereof.

Mr. Lucas agreeably to notice, asked for and obtained leave to introduce a bill, to be entitled an act to regulate appeals from Justice's courts and to give the county courts appellate jurisdiction, which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Casey, from the select committee to whom was referred so much of his excellency the Governor's message as relates to the banking institutions of this state, reported a bill to be entitled an act in relation to the banking institutions of this state, which was read the first time.

Ordered, that said bill be made the order of the day for a 2nd reading to-morrow.

A bill from the House of Representatives, to be entitled an act to provide for digesting the laws of the state of Alabama, was read the 3rd time and passed. *Ordered*, that the Secretary notify the House of Representatives thereof.

On motion, *Ordered*, that the bill to be entitled an act to fix the permanent seat of justice in the county of Tuscaloosa, and to provide for the erection of the public buildings be laid on the table until the first day of January next.

A bill from the House of Representatives, to be entitled an act to fix the time for convening the General Assembly of the state of Alabama; a bill to be entitled an act to authorize Wm. Crawford & Co. of Franklin County to build a mill and other water works on the Tennessee river and for other purposes; a bill to be entitled an act for the relief of John M'Shan of Jefferson county; a bill to be entitled an act to amend the laws now in force in this state for the punishment of the crime of horse stealing; a bill to be entitled an act to authorize the sale of certain lands therein named; a bill to be entitled an act appointing commissioners to lay out a certain road therein named; and a bill to be entitled an act to establish the permanent seat of justice in the county of Shelby, were severally read the first time. *Ordered*, that said bills be made the order of the day for a second reading on to-morrow.

On motion the Senate adjourned till to-morrow morning 10 o'clock.

Tuesday, November 21, 1821.

The Senate met pursuant to adjournment.

Patrick May, Esq. a Senator from the counties of Marengo & Greene,

appeared this day, produced his credentials, was qualified by taking the oath prescribed by the Constitution, and by the act entitled "An Act to suppress duelling," and took his seat.

Mr. Hanby presented the petition of sundry citizens of Blount County, praying the passage of a law authorizing the county court of said county to lay a tax for the purpose of paying for the building of a Jail in said county. *Ordered*, that said petition be referred to the committee on county boundaries.

Mr Gause presented the petition of sundry citizens of the counties of Montgomery and Autauga, praying the establishment of a public ferry across the Alabama river at or near the town of Montgomery. On motion, *Ordered*, that said petition be referred to the committee on highways, bridges and ferries.

On motion, *Ordered*, that Messrs. Gause and Rose be added to the committee on highways, bridges and ferries.

Mr Conner presented the claim of Jonh Cunningham, jailer of St. Clair county, against the state for expences incurred in receiving and keeping prisoners committed under the authority of the state. On motion, *Ordered*, that said claim be referred to the committee on claims.

On motion of Mr. M'Vay the following resolution was adopted: *Resolved*, that the Judiciary committee be instructed to enquire into the expediency of prohibiting by law, sheriffs from executing civil process issued by justices of the peace.

A bill from the House of Representatives to be entitled an act to establish additional election precincts in the counties therein named, and for other purposes, was read the third time, and passed, *Ordered* that the Secretary notify the House of Representatives thereof and request their concurrence.

An engrossed bill to be entitled an act declaring the Mulberry fork of Tuskaloosa river navigable from its junction with the Sipsie fork to Baltimore, was read the third time and passed. *Ordered*; that the words "a bill to be entitled" be stricken out. *Ordered*, that the Secretary notify the House of Representatives thereof and desire their concurrence.

The engrossed bill to be entitled an act to amend the several acts in relation to the establishment of the Bank of the state of Alabama and to repeal such parts of said acts as are repugnant to the provisions of this act, was on motion, *Ordered*, to lie on the table. A bill to be entitled an act for the releif of Wm. Walton, was taken up, read the third time and passed. *Ordered*, that the Secretary inform the House of Representatives thereof.

The following message was received from the House of Representatives, by Mr. Armstrong:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed, a bill to be entitled, an act to incorporate the town of Sparta, and for other purposes, in which they desire your concurrence.

They have also read a third time and passed, an act to amend and repeal a part of the second section of an act to authorize the governor to dispose of the public arms of this state, passed on the 7th December, 1820, which originated in your honorable body.

The following message was also received by Mr. Armstrong:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have concurred in the amendments made by your honorable body, to the act authorizing a lottery for the making a turn pike road leading from the city of Mobile to Bogue-Chitto creek in Mobile county; and to authorize a lottery to erect and furnish a Masonic Hall for the use and benefit of Russellville Lodge, No. 7.

A bill to be entitled, an act in relation to the banking institutions in this state, was read a second time by its caption. *Ordered*, that said bill be committed to a committee of the whole house and made the order of the day on to morrow.

A joint resolution on the subject of the Creek and Cherokee nations of Indians, was read the second time. *Ordered*, that said resolution be engrossed for a third reading on to morrow.

A bill to be entitled, an act to repeal the second section of an act entitled, an act for the relief of master builders and mechanics of the state of Alabama; was read the second time. Mr. Elliott moved, that the further consideration of said bill be indefinitely postponed, and on the question being put, it was resolved in the affirmative.

A bill to be entitled, an act relating to justices of the peace, was read the second time.

Mr. Cause moved, that the further consideration of said bill be indefinitely postponed; and on the question being put, it was determined in the negative---yeas 9. nays 9.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Davis, Garth, Cause, Hanly, Hogg, May, Trotter, Ware, Wingale.

Those who voted in the negative, are

Mr. President, Couper, Chambers, Deveraux, Dennis, Lucas, Lamer, M'Vay, Rose.

Ordered, that said bill be engrossed and made the order of the day on to morrow.

A bill to be entitled, an act to regulate appeals from justice's courts, and to give the county courts appellate jurisdiction, was read the second time. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on to morrow.

Mr. Chambers presented a communication from Carter B. Harrison Esq. adjutant general of the state of Alabama, which was read, and on motion, referred to the military committee.

On motion, *Ordered*, that Mr. M'Vay be added to the military committee.

A bill from the House of Representatives to be entitled, an act appointing commissioners to lay out a certain road therein designated, was read the second time.

Mr. Hogg moved, to insert the names of Hansel M'Kinney, Thomas Williams and James Drennin as commissioners, in said bill, and on the question being put, it was resolved in the affirmative.

Mr. Hogg then moved, to strike out the words "at or near the place where the road intersects the line of fractional township number

22 west of the basis meridian from Huntsville; and on the question being put, it was resolved in the affirmative.

On motion, *ordered*, that said bill be committed to a committee of the whole house and made the order of the day on to morrow.

On motion the Senate adjourned till to morrow morning at 10 o'clock.
Wednesday, Nov. 28th, 1821.

The Senate met pursuant to adjournment. Mr. Chambers offered the following resolution; *Resolved*, that the Judiciary committee be instructed to enquire into the expediency of authorizing constables, to call on a reasonable portion of the militia to aid them in executing state warrants, where it shall be necessary, which was adopted.

A bill from the House of Representatives, to be entitled an act to incorporate the town of Sparta, and for other purposes, was read the first time. *Ordered* that said bill be made the order of the day for a second reading on tomorrow.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the bill entitled "an act to provide for digesting the Laws of the state of Alabama, and found the same duly enrolled: said bill was then signed by Mr. President.

Mr. Gause, from the select committee to whom was referred the petition of a number of the citizens of Blount county, reported a bill, to be entitled an act to establish the seat of justice in the county of Blount, which was read the first time. *Ordered* that said bill be made the order of the day for a second reading on tomorrow.

A message from the House of Representatives by Messrs. Greening and Martin: Mr. President and gentlemen of the Senate, I am instructed to inform your honorable body, that the House of Representatives will be ready at the hour of 12 o'clock to day to go into the election of a suitable person to digest the laws of this state. *Ordered*, that said message lie on the table for the present.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the following bills, and found the same duly enrolled, viz: An act to alter the boundaries between the counties of Monroe and Clarke; an act to amend and repeal a part of the second section of an act to authorize the Governor to dispose of the public arms of this state, passed on the 7th day of December, 1820; an act for the relief of purchasers at the first sales of lots in the town of Cahawba --all of which were severly signed by Mr. President.

A messege from his Excellency, the Governor, by James J. Pleasants, Esq. Secretary of State: Mr. President, and gentlemen of the Senate, I am instructed by his Excellency, the Governor, to inform you, that he did on the 27th inst. approve and sign, the following acts, to wit: an act to appoint commissioners to lay out a road therein named; an act to authorize the Catholic congregation of christians, in the city of Mobile, to sell certain real estate therein mentioned, and for other purposes; an act to incorporate the Mobile Steam Boat Company; an act to authorize the Judge of the county court of St. Clair county, to levy a tax to remunerate John Cunningham; an act to prevent sheriffs

and other officers from levying executions in certain cases, all of which acts originated in this honorable body.

A bill from the House of Representatives, to be entitled an act for the relief of John M'Shan, of Jefferson county, was read the second time.

Mr. Conner moved to insert the name of "William M'Shan" after the name of "John M'Shan," in said bill, and on the question being put, it was resolved in the affirmative.

Mr. Garth moved to insert the word "each" after the word "dollars," in said bill, and the question being put, it was resolved in the affirmative.

Ordered, that said bill be made the order of the day for a third reading on to morrow.

A bill from the House of Representatives to be entitled, an act to authorize the sale of certain lands therein named, was read the second time. Mr. Casey moved, that the further consideration of said bill be indefinitely postponed; and on the question being put, it was resolved in the affirmative.

A bill from the House of Representatives to be entitled, an act to establish the permanent seat of justice in the county of Shelby, was read the second time. *Ordered*, that said bill be made the order the day for a third reading on to morrow.

A bill from the House of Representatives to be entitled, an act to authorize Wm. Crawford and Co. of Franklin county to erect a mill and other water works on the Tennessee river, was read the second time by its caption. *Ordered*, that said bill be committed to a committee of the whole house, and made the order of the day on to morrow.

A message from the House of Representatives, by Mr. Philpott.

Mr. President; I am instructed to inform your honorable body, that the House of Representatives have concurred in the amendments made by your honorable body to the act to establish additional election precincts in certain counties therein named, and for other purposes.

A bill from the House of Representatives to be entitled, an act to fix the time for convening the general assembly of the state of Alabama, was read the second time.

Mr. Davis moved, to strike out the words "second Monday in November in each and every year" in said bill, and on the question being put, it was decided in the affirmative.

Mr. Davis then moved, to insert in lieu of the words stricken out the following "on the second Monday in January, 1823, and on each succeeding second Monday in January in each and every year, until otherwise directed by law;" and on the question being put, it was decided in the affirmative. *Ordered*, that said bill be made the order of the day for a third reading on to morrow.

Mr. Gause from the committee on enrolled bills, reported, that said committee had examined the following acts, and found the same duly enrolled, viz: an act authorizing the administrators of the estate of Robert Houston, deceased, to sell certain real estate therein mentioned, and an act for the relief of William Walton; which were accordingly signed.

The Senate according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act to authorize Leonard Abercrombie, to emancipate certain slaves therein named, Mr. Casey in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey, reported, that the committee of the whole had, according to order, had said bill under consideration, and directed him to report the same with an amendment; which was concurred in.

Mr. Garth proposed the following additional section as an amendment to said bill:

"And be it further enacted, that every person holding slaves are hereby authorized to emancipate them agreeably to the permissions of this act;" and on the question being put, on the adoption of said amendment, it was decided in the negative.

Mr. M'Vay moved, that the first section of said bill be stricken out, and the question being put, the yeas and nays being desired, it was determined in the negative--yeas 4, nays 14.

Those who voted in the affirmative, are

Messrs. Elliott, Gause, M'Vay and Trotter--4.

Those who voted in the negative, are

Mr. President, Casey, Conner, Chambers, Dovernaux, Dennis, Hanby, Hogg, Lucas, Lamier, May, Rose, Ware and Wingate--14.

It was moved that the vote of the Senate, on concurring in the amendment made by the committee of the whole, to said bill be reconsidered; and, on the question, "will the senate reconsider their vote?" it was determined in the affirmative.

The following was then proposed as an amendment to said bill: "Provided that if any of the persons emancipated by this act, shall return into this state, and remain as residents of their own accord, such person or persons shall be considered to be in the same state of slavery as if this act had never passed;" which was adopted. Ordered, that said bill be engrossed and made the order of the day, for a third reading on to morrow.

A message from the House of Representatives, by Mr. Hardwick: Mr. President: I am instructed to inform your honorable body, that the House of Representatives have read a third time and passed, an act to authorize John Dixon to emancipate a certain slave therein named; also, an act to incorporate the Murder creek Navigation Company; also, an act supplementary to an act entitled, an act to suppress duelling, passed 17th December, 1819; also, an act to alter and amend the militia law of this state, in all which they desire your concurrence.

The following message was also received by Mr. Hardwick: Mr. President: I am instructed to inform your honorable body, that the House of Representatives, have read a third time and passed, an act authorizing the Governor to borrow a certain sum of money therein mentioned; and to settle the debt due by this state to the Huntsville Bank, which originated in your honorable body.

Objection of Mr. Rose, the rule which requires one days notice before the introduction of a bill, was dispensed with, and leave was given him to introduce a bill to be entitled an act appointing commissioners

to lay out a certain road therein designated; which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to morrow.

On motion, the Senate concurred in the message from the House of Representatives, proposing to go into the election of a suitable person to digest the laws of this state, at the hour of 12 o'clock to day. *Ordered*, that the Secretary inform the House of Representatives thereof.

Mr. Weedon informed the Senate, that the House of Representatives were ready to receive them for the purpose of electing a digester of the laws of this state; whereupon, the members of the Senate repaired to the Representative chamber, and after having taken their seats, Mr. President arose and declared the object of the meeting, and both Houses proceeded to the election of a digester of the laws of the state of Alabama; Harry Toulmin, John P. Crowell and John J. Inge, Esquires, being in nomination:

Those who voted for Mr. Toulmin, are

Mr. President, Chambers, Elliott, Gause Lanier, McVay, May, Ross, Trotter, and Wingate, (of the Senate.) Mr. Speaker, Anderson, Armstrong, Bagby, Beene, Carr, Crenshaw, Dale, Evans, Elmore, Greening, Graham, Kennedy, King Leake, Montgomery, Magoffin, Murrell, Miller, Norwood, Pickett, Parham, Skinner, Smith, Tagert, Thompson, Vining, and Weedon, (Rep.)—38.

Those who voted for Mr. Crowell, are

Messrs. Casey, Conner, Davis, Devereux, Dennis, Lucas, and Ware, (of the Senate.) Ayers, Barclay, Brown, Clay, Dabney, Davis, Duckworth, Fitzpatrick, Fleming, Hardwicke, Hopkins, Jones, Moore, Morton, McHenry, and Williamson.—23.

Those who voted for Mr. Inge, are

Messrs. Garth, Hanby and Hogg, (of the Senate.) Messrs. Allen, Craig, Edmondson, Holderness, Masterson, Martin, Powell, Philpott, Perry, and Williams.—13.

Harry Toulmin Esquire, having a majority of both Houses, Mr. Speaker declared him duly elected. The election having been gone through, the members of the senate withdrew and retired to their own chamber, and Mr. President resumed the chair.

Mr. Elliott presented a communication from Harry Toulmin, Esq. in relation to the Spanish Records, in Mobile, which was read, and on motion referred to a select committee, with leave to report by bill or otherwise: Whereupon, Messrs Elliott, Davis and Hanby was appointed said committee.

On motion the Senate adjourned till tomorrow morning 10 o'clock.

Thursday, November 29, 1821.

The Senate met pursuant to adjournment.

Mr. Gause from the committee on enrolled bills, reported that said committee had examined an act to authorize the Governor to borrow a certain sum of money therein mentioned, and to settle the debt due by the state to the Huntsville bank, and found the same duly enrolled.

Said bill was then signed by the President.

Mr. Elliott from the committee on the Judiciary reported a bill to be entitled an act to amend the several acts regulating the proceedings in the courts of Law and Equity in this state; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to morrow.

Mr. Dennis from the committee on inland navigation, reported a bill

to be entitled an act to establish a board of Internal improvement, which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on tomorrow.

Mr. Elliott, from the select committee to whom was referred the statement of Harry Toulmin, Esq. in relation to the situation of the Spanish records in Mobile, reported a bill to be entitled an act in relation to the Spanish records in the county of Mobile, which was read the first time; *Ordered*, that said bill be made the order of the day for a second reading on tomorrow.

Mr. M'Vay offered the following resolution:

Resolved, that the committee on the Judiciary be instructed to enquire into the expediency of authorizing by law the Executive to remit forfeitures, and that they report by bill or otherwise, which was adopted.

On motion of Mr. Elliott the rule which requires one days notice before the introduction of a a bill or joint resolution, was dispensed with, and leave was granted him to introduce a resolution making it the duty of Harry Toulmin, and the Judges of the Supreme and Circuit courts of this State, to report to the General Assembly any defects or imperfection which may exist in the statutes of this state; which was read the first time. *Ordered*, that said, resolution be made the order of the day for a second reading on tomorrow.

On motion, of Mr. Garth, the committee of the whole was discharged from the further Consideration of the bill to be entitled an act in relation to the banking institution in this state.

Mr. Garth moved to strike out the following words in the first section of said bill, "no bill or note of any bank whatsoever, shall be receivable at the Treasury of this state, in payment of taxes, nor shall they be receivable in payment of fines and forfeitures, which may accrue to the state, or to the counties respectively, unless, at the time of making such payments, the bank, whose bills or notes are so offered in payment, is in the regular course of redeeming its notes and bills with specie according to their nominal value;" and on the question being put, on striking out said words, the yeas and nays being desired, it was determined in the negative, yeas 4, nays 14.

Those who voted in the affirmative, are

Messrs. Davis, Garth, Lucas, M'Vay—4.

Those who voted in the negative, are

Mr. President, Casey, Conner, Chambers, Deveraux, Dennis, Elliott, Gaule, Haub, Hogg, Lamer, May, Rose, Trotter, Ware and Wingate—14.

Mr. Casey moved to strike out the words, "the passage of this act" in the first section of said bill, and on the question being put, it was determined in the affirmative.

Mr. Casey then moved to insert the words "the 15th day of February, 1822," in lieu of the words stricken out, and on the question being put, it was resolved in the affirmative. *Ordered*, that said bill lie on the table for the present.

A message from the House of Representatives, by Messrs. Armstrong and Clay. Mr. President: We are instructed by the House of Representatives, to inform your honorable body, that they have adopted the following resolution. *Resolved*, that a message be sent to the Senate.

informing them, that at the hour of 12 o'clock this day, they will be ready to go into the election for Judges of the county court, to fill such vacancies as now exist; in which they desire your concurrence.

Mr. Rose moved to amend said resolution, by striking out the words "at the hour of 12 o'clock this day," and inserting in lieu thereof, the words "on to morrow at the hour of 7 o'clock, P. M." and on the question being put, it was resolved in the affirmative. *Ordered*, that the Secretary inform the House of Representatives thereof, and request their concurrence.

A message from his Excellency, the Governor, by James J. Pleasants, Esq. Secretary of State. Mr. President, and gentlemen of the Senate: I am instructed by the Governor to inform you, that he did on the 28th inst. approve and sign, an act for the relief of purchasers at the first sale of lots in the town of Cahawba, an act to amend and repeal a part of the second section of an act, to authorize the Governor to dispose of the public arms of this state, passed on the 7th day of Dec. 1820; and, an act to alter the boundary line, between the counties of Clarke and Monroe; and on this day, an act to authorize the Governor, to borrow a certain sum of money therein mentioned, and to settle the debt due by this state to the Huntsville Bank; all of which originated in this honorable body.

On motion of Mr. Gause, the rule which requires one days notice before the introduction of a bill, was dispensed with, and leave was given him to introduce a bill to be entitled an act to authorize the administrators of the late John Lucas, to sell certain real estate, which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to morrow.

A message from his Excellency, the Governor, by James J. Pleasants, Esq. Secretary of State.

Gentlemen of the Senate, and of the House of Representatives:

I have just received a letter from the president of the Planters and Merchants Bank at Huntsville, which as it relates to a subject now before the legislature, is proper to be laid before you.

It is the wish of the board of directors of that institution, that provision should be made, during the present session for paying the loan of \$10,000 due from the state. The object expressed is "to enable the bank to resume specie payments at no very distant day." To accomplish which desirable purpose, the directors are compelled to call in a considerable portion of their debts.

In the accomplishment of the laudable purpose of restoring our medium of circulation to full credit, the legislature will feel the deepest interest. And while we have complained, so justly, of the public evil resulting from the suspension of payments by that bank; I trust, that the government of the state will not stand in the way of its early removal.

This profession on the part of the bank deserves a favourable notice by the legislative body; and may be a reason for deferring to a reasonable day the operation of any definitive proceedings against that institution.

The period for the succeeding six months will be peculiarly favourable for offering facilities to the bank for resuming specie payments.

The sale of the crops on hand for a specie paying paper will furnish the bank, through the medium of its debtors, with solid means for redeeming its debts.

In any event, the policy of excluding from the treasury the paper of all banks that do not pay specie, will not be the less obvious.

ISRAEL PICKENS.

Executive Department, November 27, 1821.

Said message was read, and on motion, referred to the committee on the Huntsville bank.

A bill to be entitled, an act to establish the seat of justice in the county of Blount, was read the second time.

Mr. Hanby moved, to strike out all of the first section of said bill after the word "county" and to insert in lieu thereof, the following, "to hold an election at the muster ground in each captains district, for the purpose of electing a commissioner in each captains beat to fix on the permanent seat of justice in said county;" and on the question being put, it was determined in the affirmative.

Ordered, that said bill be engrossed and made the order of the day for a third reading on to morrow.

A bill to be entitled, an act for the relief of John M'Shan, of Jefferson county, was read the third time as amended, and passed. *Ordered*, that the secretary notify the House of Representatives thereof, and ask their concurrence.

Mr. Elliott, from the joint committee, to whom was referred to the expediency of memorializing the Congress of the United States, on the subject of removing the restriction imposed by the act of Congress, for our admission into the union, on the lands of the United States sold after the first September, 1819, and which exempts them from taxation for five years after the sales thereof, reported, that it was expedient to memorialize Congress on the subject matter referred to the joint committee; and reported a memorial, which was read the first time. *Ordered*, that said memorial be made the order of the day for a second reading on to morrow.

A bill from the House of Representatives, to be entitled, an act to establish the seat of justice in the county of Shelby, was read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

An engrossed bill to be entitled, an act relating to justices of the peace was read the third time and passed. *Ordered*, that the title of said bill be altered to, an act relating to justices of the peace. *Ordered*, that the secretary acquaint the House of Representatives thereof and desire their concurrence.

Mr. Elliott gave notice that on to morrow he should ask for leave to introduce a bill to be entitled, an act supplementary to the several acts in relation to wills, intestates and Guardians; also, a bill to be entitled, an act to amend the act to incorporate the city of Mobile; also, a bill to be entitled, an act for the relief of Henry V. Chamberlain.

A joint resolution instructing our Senators, and requesting our Representatives, in Congress to use their exertions in procuring an appropriation for the purpose of treating with the Creek and Cherokee na-

tions of Indians was read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof, and request their concurrence.

A bill to be entitled, an act to authorize Leonard Abercrombie to emancipate certain slaves therein named, was read the third time; and on the question, "shall this bill pass?" It was determined in the affirmative---yeas 11, nays 6.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Conner, Chambers, Deveraux, Dennis, Hanby, Hogg, Lucas, Lamer, May, Wingate.

Those who voted in the negative, are

Messrs Casey, Elliott, Gartin, McVay, Trotter, Ware.

Ordered, that the title of said bill be altered from a bill to an act to authorize Leonard Abercrombie to emancipate certain slaves therein named. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to regulate appeals from justices' courts, and to give the county courts appellate jurisdiction, was read the third time. Mr. Chambers proposed the following as an amendment to said bill, by way of rider.

"*And be it further enacted*, That the Circuit courts of this state shall have the jurisdiction that was given to the several superior courts, by the act of the General Assembly passed at Huntsville, 17th December 1819 entitled an act to prevent frauds and fraudulent combinations in the sale of public lands in this state."

On motion the rule which requires all amendments by way of rider to be read on three several days, was dispensed with, and said amendment was read a second and third time and adopted. Mr. Rose moved, that the vote of the Senate ordering said bill to be read the third time be reconsidered; and on the question "will the Senate reconsider their vote?" it was resolved in the affirmative. On motion, *Ordered*, that said bill be committed to the committee on the judiciary to examine and report thereon.

On motion the Senate resumed the consideration of the bill to be entitled an act in relation to the banking institutions in this state. Mr. Casey moved, that, the third section of said bill be stricken out; and on the question being put it was resolved in the affirmative.

Mr Davis moved to insert after the word "payment" in the second section of said bill the words "interest from the rendition of the judgment until finally paid" and on the question being put on the adoption of said amendment it was decided in the affirmative.

Mr. Elliott moved, to insert the following at the close of said amendment, "or the amount of such judgment be made by due course of law?" which was agreed to. Mr. Casey moved, to strike out all of said bill in the fourth section between the word "and" and the words "and that the Governor &c." and to insert in lieu thereof the following: "that the Court determining the case shall have power to adjudge and decree concerning the same, according to law and usage, and to declare the charter of such bank forfeited; and also, to make such orders consequent

the report, in relation to the estate and effects, rights and credits of said bank, as shall secure the rights of all concerned, & on the question being put it was decided in the affirmative. Ordered, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

On motion, the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

A bill from the House of Representatives to be entitled an act to amend the militia laws of this state was read the first time; Ordered, that said bill be made the order of the day for the second reading on to-morrow.

A bill from the House of Representatives to be entitled an act to incorporate the Murder creek navigation, was read the first time; Ordered, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled an act supplementary to an act entitled an act to suppress duelling, passed 17th December 1819, was read the first time, Ordered, that said bill be made the order of the day for a second reading on tomorrow.

A bill from the House of Representatives to be entitled an act to authorize John Dixson, to emancipate a certain slave therein named, was read the first time, and on the question, "shall this bill be read a second time it was decided in the negative.

A bill from the House of Representatives to be entitled an act to incorporate the town of Sparta, was read the second time, Ordered, that said bill be made the order of the day for a third reading on tomorrow.

A bill to be entitled an act appointing commissioners to lay out a certain road therein designated, was read the second time, Ordered, that said bill be committed to a committee of the whole house and made the order of the day for tomorrow.

On motion Ordered, that the bill from the House of Representatives, to be entitled an act to appoint commissioners to lay out a road therein designated, be laid upon the table for the present.

A message from the House of Representatives, by Mr. Morton:

Mr. President: I am directed by the House of Representatives to inform your honorable body, that they have agreed to the amendment made by your honorable body to the resolution proposing to go into the election of Judges of the county courts. They also concur in the amendments made by your honorable body to the bill entitled an act for the relief of John M. Shan of Jefferson county.

On motion the Senate according to order, resolved itself into a committee of the whole on the bill to be entitled an act to authorize Wm. Crawford & Co. of Franklin county to build a mill, and other water works on the Tennessee river, and for other purposes, Mr. Gaule in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Gaule reported, that the committee of the whole had, according to order had, said bill under consideration, and had directed him to report the same without amendment. The bill was then read the third time, and passed.

ordered, that the Secretary notify the House of Representatives thereof.

A message from the House of Representatives by Mr. Morton.

Mr. President: I am instructed by the House of Representatives, to inform your Honourable body, that they have read a third time and passed, an act supplementary to an act entitled an act for the collection of monies due the state, and for other purposes, passed Dec. 16th 1820; and an act to allow compensation to Wm. Dunn, for examining the Black Warrior river above the town of Tuscaloosa; in which they desire your concurrence.

Mr. Casey, from the committee on the apportionment, reported a bill to be entitled an act to apportion the Representatives, and to divide the state into Senatorial Districts; which was read the first time, *Ordered*, that said bill be made the order of the day for a second reading on tomorrow.

A bill from the House of Representatives to be entitled an act supplementary to an act entitled an act for the collection of moneys due the state, and for other purposes, passed December 16, 1820; and a bill to be entitled an act to allow compensation to Wm. Dunn, for examining the Black Warrior river above the town of Tuscaloosa were severally read the first time. *Ordered*, that said bills be made the order of the day for a second reading on tomorrow.

On motion, *Ordered*, that his Excellency the Governor's Message of the 26th inst. be referred to the committee on the judiciary.

A message from his Excellency the Governor, by J. J. Pleasants, Esq. Secretary of State.

Executive Department, Nov. 29, 1821.

Gentlemen of the Senate, and of the house of Representatives.

The resignation of Samuel Chapinan, Esq. Judge of the county court of Madison county, has this day been received: also I have received the resignation of John S. Fulton, Esq. Judge of the county court of Franklin county.

I have the honor to be &c.

ISRAEL PICKENS.

Ordered, to lie on the table.

On motion the Senate adjourned till to morrow morning 10 o'clock.

Friday, Nov. 30, 1821.

The Senate met pursuant to adjournment.

Mr. Casey presented the petition of Robert H. Gregg, Tax Collector of Wilcox county: which was read, and on motion, *Ordered*, to lie on the table.

On motion of Mr. May, the rule which requires one days notice before the introduction of a bill was dispensed with, and leave was granted him to introduce a bill to be entitled an act to incorporate the town of Demopolis: which was read the first time; on motion the rule which requires all bills to be read on three several days was dispensed with, & said bill was read the second time by its caption. *Ordered*, that said bill be engrossed and made the order of the day for tomorrow.

Mr. Elliott from the Judiciary committee, to whom was referred the bill to be entitled an act to regulate appeals from Justice Courts, and to give the county courts appellate jurisdiction, reported that in

the opinion of said committee, the features of said bill are objectionable and that the same ought to be indefinitely postponed; which was concurred in.

Mr. Trotter moved, a reconsideration of the vote of the senate on the 2nd reading of the bill, to be entitled an act to authorize John Dixon to emancipate a certain slave therein named; and on the question being put, it was resolved in the affirmative; said bill was then read a second time. On motion, *Ordered*, that said bill lie on the table.

Mr. Elliott moved, to reconsider the vote of the Senate on the third reading of the bill to be entitled an act for the relief of John Bishop; & on the question being put it was resolved in the affirmative. The question was then put on the passage of said bill, and the yeas and nays being required, it was determined in the affirmative, yeas 13, nays 4.

Those who voted in the affirmative, are

Mr. President, Casey, Chamberl. Davis, Devereux, Elliott, Gause, Lanier, M'Vay, May, Rose, Ware and Wingate—13.

Those who voted in the negative, are

Messrs. Garth, Hogg, Lucas and Trotter—4.

A message from the House of Representatives, by Mr. Morton. Mr. President, I am directed to inform your honorable body, that the House of Representatives have read a third time and passed, an act for the relief of Eugenio Campbell, tax collector of Lawrence county, for the year 1820; also, an act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named; also, an act to authorize the sale of the Public Land adjoining the town of Cahawba, in all which they desire your concurrence.

On motion, the bill to be entitled an act to authorize John Dixon to emancipate a certain slave therein named, was taken up. Mr. Chambers proposed the following additional sections, by way of amendment to said bill:

"And be it further enacted, That the said negro slave, Clarissa shall not be entitled to any of the benefits of this act, except she leaves this state by the first day of April, 1822.

"And be it further enacted, That should the said negro woman, Clarissa return to this state voluntarily, or should she be forced back into this state, and remain in the same thirty days after she is at liberty, she shall return to the same state of slavery as she was in, before the passage of this act;" which was adopted. The question was then put, "shall this bill be read the third time?" and decided in the negative.

An engrossed bill to be entitled an act to establish the seat of justice in the county of Blount, was read the third time and passed. *Ordered*, that the title of said bill, be altered from a bill to an act to fix the seat of justice in Blount county. *Ordered*, that the Secretary notify the House of Representatives thereof, and request their concurrence.

An engrossed bill to be entitled an act in relation to the banking institutions in this state, was read the third time.

Mr. Davis moved to fill the first blank in said bill, with the word *then*, and on the question being put, it was decided in the negative.

Mr. President, having called Mr. Garth to the chair, moved to re-

consider the vote of the Senate, ordering said bill to the third reading, and on the question being put, it was resolved in the affirmative.

Mr. President then moved to strike out the following words, in the second section of said bill, viz: "interest from the rendition of the judgment," and on the question being put, it was decided in the affirmative.

Mr. Chambers moved to fill the second blank in said bill, with the word "six," and on the question being put, it was decided in the affirmative. Said bill was then read the third time.

Mr. Casey moved to amend said bill, by way of rider, with the word "or notes," after the word "note."

On motion, the rule which requires amendments by way of rider, to be read three several days, was dispensed with, and said amendment was read the second and third times and adopted. *Ordered*, that the title of said bill, be altered from a bill to an act in relation to the banking institutions of this state. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, to be entitled an act, to incorporate the town of Sparta, and for other purposes, was read the third time and passed. *Ordered*, that the Secretary inform the House of Representatives thereof.

A joint resolution, making it the duty of Harry Toulmin, and the Judges of the Supreme and Circuit Courts of this state, to report to the General Assembly, any defects or imperfections which may exist in the Statutes of this state, was read the second time. *Ordered*, that said resolution be engrossed and made the order of the day, for a third reading on to morrow.

A bill from the House of Representatives, to be entitled an act to amend the laws now in force, in this state, for the punishment of the crime of horse stealing, was read the second time, and on the question, "shall this bill be read the third time," it was decided in the negative.

A bill to be entitled an act to amend the several acts, regulating the the proceedings in the courts of law and equity, in this state, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day, for to morrow.

A bill to be entitled an act to establish a board of Internal Improvement, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day, for to morrow.

A bill to be entitled an act, in relation to the Spanish records, in the county of Mobile, was read the second time. *Ordered*, that said bill be engrossed, and made the order of the day, for a third reading on to morrow.

A bill to be entitled an act to apportion the Representatives, and to divide the state into senatorial districts, was ordered to lie on the table.

A bill to be entitled an act to authorize the administrators of John Lucas, deceased, to sell certain real estate, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day on to morrow.

A memorial to the Congress of the United States, praying that the

restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, should be removed, was read the second time. *Ordered*, that said memorial be engrossed, and made the order of the day, for a third reading on to morrow.

A bill from the House of Representatives, to be entitled an act to amend the militia laws of this state, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day for to morrow.

A bill from the House of Representatives, to be entitled an act to incorporate the Murder creek Navigation Company, was read the second time. *Ordered*, that said bill be made the order of the day, for a third reading on to morrow.

A bill from the House of Representatives, to be entitled an act, supplementary to the act, entitled an act to suppress duelling, passed 17th December, 1819, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day, for to morrow.

A bill from the House of Representatives, to be entitled an act, supplementary to an act, entitled an act for the collection of monies due the state, and for other purposes, passed December 16th, 1820, was read the second time. *Ordered*, that said bill be made the order of the day, for a third reading on to morrow.

A message from the Governor, by James J. Pleasants, Esq. Secretary of State.

Executive Department, November 30, 1821.

Gentlemen of the Senate, and of the House of Representatives:

I have the honor to inform you of the resignation of William Metcalf, Esq. Judge of the county court of Marion county.

Your most ob't,

(Signed)

ISRAEL PICKENS.

Ordered to lie on the table.

A bill from the House of Representatives, to be entitled an act, allowing compensation to Willian Dunn, for examining the Black Warrior river above the town of Tuscaloosa, was read the second time. *Ordered*, that said bill be made the order of the day, for a third reading on to morrow.

On motion, *Ordered*, that the bill to be entitled, an act appointing commissioners to lay out a certain road therein designated, be laid on the table.

A bill from the House of Representatives, to be entitled, an act for relief of Eugenio Campbell, tax collector of Lawrence county for the year 1820; a bill to be entitled, an act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named; and a bill to be entitled, an act to authorize the sale of the public lands adjoining the town of Cahawba, were severally read the first time. *Ordered*, that said bills be made the order of the day for a second reading on to morrow.

A bill from the House of Representatives to be entitled, an act to ap-

point commissioners to lay out a certain road therein designated, was, on motion, taken up: Mr. M'Vay moved, to strike out the second and third sections of said bill; and on the question being put, it was decided in the affirmative.

Mr. M'Vay then moved, to insert the following proviso at the close of said bill, "provided nevertheless, that the said commissioners shall not be entitled to receive compensation for their services from the state of Alabama;" which was adopted. *Ordered*, that said bill be made the order of the day for a third reading on to-morrow.

Mr. Elliott agreeably to notice, obtained leave to introduce a bill to be entitled, an act supplementary to the several acts in relation to wills, intestates and guardians; also, a bill to be entitled, an act to amend the act to incorporate the city of Mobile; which were severally read the first time.

On motion, the Senate adjourned till 7 o'clock, P. M.

Seven o'clock, P. M.

The Senate met pursuant to adjournment.

William D. Gaines, a Senator from the county of Jackson, appeared and took his seat.

A MESSAGE FROM THE GOVERNOR.

Executive Department, November 30, 1821.

Gentlemen of the Senate, and of the House of Representatives;

I have the honor to inform you of the resignation of Francis Flournoy, Esq. judge of the county court of Pickens county.

Yours most ob't.

ISRAEL PICKENS.

Ordered, to lie on the table.

Messrs. Greening and Parham, informed the Senate, that the House of Representatives were ready to receive them in their chamber, for the purpose of electing judges of the county courts to supply such vacancies as now exist: Whereupon, the members of the Senate repaired to the Representative chamber; and after having taken their seats, Mr. President arose and declared the object of the meeting; when both houses proceeded to the election of a judge of the county court of Mobile county, to supply the vacancy occasioned by the resignation of H. H. Rolston, Esq. Thomas Murray and Henry V. Chamberlain being in nomination.

Those who voted for Mr. Murray, are

Messrs. Casey, Davis, Gaines, (of the Senate,) Mr. Speaker, Anderson, Armstrong, Ayers, Bagby, Carr, Clay, (of the Senate,) Gahney, Lane, Duckworth, Edmondson, Fitzpatrick, Fleming, Gortchong, H. Green, Holderness, King, Leake, Montgomery, Magoffin, Murrell, Nicholson, George Norton, Miller, McHenry, Norwood, Pickett, Powell, Philpott, Parham, Shafter, Young, W. Con. Williams, Widomsto. (of the House,)—41.

Those who voted for Mr. Chamberlain, are

Mr. President, Cogner, Chambers, Devereux, Dennis, Elliott, Gaines, Hanby, Hogg, Lucas, Lanier, McVay, McRae, Ware, Wingate, (of the Senate,) Messrs. Allen, Beale, Brown, Davis, Graham, Hopkins, Jones, Miller, Tagert, [Rep.]—24.

Mr. Murray having a majority of both both houses, Mr. Speaker declared him duly elected judge of the county court of Mobile county. Both houses then proceeded to the election of judge of the county court of Baldwin county, Sylvester Bill being in nomination, all the members

present voting for Mr. Bill, Mr. Speaker declared him unanimously elected. Both houses then proceeded to the election of a judge of the county court of Perry county, to supply the vacancy occasioned by the resignation of Edwin D. King; Charles J. Shackelford and Henry Bernhard being in nomination.

Those who voted for Mr. Shackelford, are

Messrs. Conner, Dennis, Gause, Gaines, Hogg, Lucas, Lanier, McVay, May, Rose, Ware, Wingate, [of the Senate.] Messrs. Anderson, Ayers, Beene, Brown, Dabney, Dale, Davis, Duckworth, Fitzpatrick, Fleming, Graham, Hardwicke, Hopkins, Jones, King, Leake, Mastersou, Moore, Morton, McHenry, Philpott, Parham, Skinner, Vining, Weedon, Williamson, [of the House].—38

Those who voted for Mr. Bernhard, are

Mr. President, Casey, Chambers, Davis, Devereux, Elliott, Hanby, [of the Senate.] Mr. Speaker, Allen, Armstrong, Bagby, Carr, Clay, Crenshaw, Craig, Edmundson, Greening, Holderness, Montgomery, Magoffin, Murrell, Miller, Martin, Norwood, Pickett, Tagert, Williams, [Rep.].—27.

Mr. Shackelford, having a majority of both houses, Mr. Speaker declared him duly elected judge of the county court of Perry county.

Both Houses then proceeded to the election of a judge of the county court of Dallas county; William Aylett being in nomination: all the members present voting for Mr. Aylett. Mr. Speaker declared him unanimously elected. Both houses then proceeded to the election of a judge of the county court of Franklin county, to supply the vacancy occasioned by the resignation of John S. Fulton, Esq. James Davis being in nomination, all the members present voting for Mr. Davis, Mr. Speaker declared him unanimously elected. Both houses then proceeded to the election of a judge of the county court of Blount county, to supply the vacancy occasioned by the resignation of William B. Wallace, Esq.; Marston Mead and William Dunn, being in nomination.

Those who voted for Mr. Mead, are

Messrs. Conner, Davis, Devereux, Lanier, May, Ware, Wingate, [of the Senate.] Mr. Speaker, Anderson, Armstrong, Bagby, Clay, Dabney, Dale, Edmundson, Fleming, Greening, Hardwicke, Holderness, Hopkins, King, Leake, Montgomery, Magoffin, Murrell, Mastersou, Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott—33.

Those who voted for Mr. Dunn, are

Mr. President, Casey, Chambers, Dennis, Elliott, Gause, Gaines, Hanby, Hogg, McVay, Rose, [of the Senate.] Messrs. Allen, Ayers, Beene, Brown, Carr, Crenshaw, Craig, Davis, Duckworth, Fitzpatrick, Graham, Jones, Miller, McHenry, Parham, Skinner, Tagert, Vining, Williamson—31.

After Mr. Speaker had announced Mr. Mead duly elected, some of the members of the House of Representatives coming in, and the Speaker deciding they had no right to vote without leave of the house, the question was put to the House of Representatives, "shall the vote be again taken in this election?" and decided in the affirmative. Both houses then proceeded to ballot a second time for judge of said county, the same persons in nomination.

Those who voted for Mr. Mead, are

Messrs. Conner, Davis, Devereux, Lanier, Ware, Wingate, [of the Senate.] Mr. Speaker, Anderson, Armstrong, Bagby, Clay, Dabney, Dale, Edmundson, Fleming, Greening, Hardwicke, Holderness, Hopkins, King, Leake, Montgomery, Magoffin, Murrell, Mastersou, Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott, [Rep.].—32.

Those who voted for Mr. Dunn, are

Mr. President, Casey, Chambers, Dennis, Elliott, Gause, Gaines, Hanby, Hogg, McVay, May, Rose, [of the Senate.] Messrs. Allen, Ayers, Barclay, Beene, Carr, Crenshaw,

Craig, Davis, Duckworth, Fitzpatrick, Graham, Jones, Kennedy, Miller, McHenry, Parham, Skinner, Tagert, Vining, Williams, Williamson; [Rep.]—34.

Mr. Dunn having a majority, Mr. Speaker declared him duly elected.

Both Houses then proceeded to the election of a Judge of the county court of Marion county, to supply the vacancy occasioned by the resignation of William Metcalf, Esquire—Anderson Ritter being in nomination, all the members present voting for Mr. Ritter, Mr. Speaker declared him unanimously elected.

Both Houses then proceeded to the election of a Judge of the county court of Madison county, to supply the vacancy occasioned by the resignation of Samuel Chapman; Samuel Chapman and Henry Minor being in nomination.

Those who voted for Mr. Chapman, are

Messrs. Casey, Connor, Davis, Dennis, Elliott, Ganes, Hanly, Hogg, McVay, Rose, and Ware. (Reps.) Mr. Speaker, Armstrong, Bogley, Barclay, Brown, Carr, Clay, Crenshaw, Dale, Duckworth, Fitzpatrick, Fleming, Greening, Hardwick, Holderness, Jones, Leake, Montgomery, Magdalen Moore, Merton, Martin, Philpott, Parham, Tagert, Thompson, Weedon, Williams and Williamson—40.

Those who voted for Mr. Minor, are

Mr. President, Deveraux, Gause, Lucas, Laidler, May and Wingate. (Reps.) Messrs. Allen, Anderson, Ayers, Beene, Craig, Dalney, Davin, Edmondson, Graham, Hopkins, Kennedy, King, Murrell, Masterson, Miller, McHenry, Norwood, Pickett, Powell, Skinner, and Vining—26.

Samuel Chapman, Esq. having a majority of both Houses, Mr. Speaker declared him duly elected Judge of the the county court of Madison county.

Both Houses then proceeded to the election of Judge of the county court of Pickens county, to supply the vacancy occasioned by the resignation of Francis Flournoy, Esq.—Solomon Marshall being in nomination, all the members present voting for Mr. Marshall, Mr. Speaker declared him unanimously elected Judge of the county court of Pickens county.

The elections having been gone through, the members of the Senate withdrew, and retired to their own chamber, and Mr. President resumed the chair; when, on motion, the Senate adjourned till to-morrow morning, at 10 o'clock.

Saturday, December 1, 1821.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Hardwick:

Mr. President, I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, an act declaring the Mulberry fork of Tuscaloosa river navigable, from its junction with the Sipsie fork to Baltimore; which originated in your honorable body; also, an act to establish a public road therein named; and, an act to establish certain counties therein named, and for other purposes, which originated in this House, and in which they desire your concurrence.

On motion of Mr. May, the rule which requires one days notice before the introduction of a bill, was dispensed with, and leave was granted him, to introduce a bill to be entitled an act, to authorize a lottery for the purpose of building a bridge across Prairie creek, in the county of Greene, which was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be engrossed, and made the order of the day, for a third reading on Monday next.

Mr. May, also obtained leave to introduce a bill to be entitled an act to establish additional election precincts therein named: which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Casey proposed the following additional section by way of an amendment to said bill.

"Be it further enacted, That the election precincts heretofore established at the house of Joseph Brittain and ——— Woodley's lot Perry county, be and the same are hereby discontinued; and, an election precinct be and is hereby established at the house of John Martin, in said county," which was adopted. *Ordered*, that said bill be engrossed and made the order of the day, for a third reading on Monday next.

Mr. Davis, from the committee on claims, reported a bill to be entitled an act providing for certain officers, which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

Samuel Haines, Esq. a Senator from the county of Baldwin, appeared and produced his credentials—which were read, and on motion referred to the committee on privileges and elections.

Mr. Elliott offered the following resolution: *Resolved* by the Senate, that the presence of Messrs. Armstrong of Mobile, and Montgomery of Baldwin, be requested before the committee on privileges and elections of this House forthwith about to sit in relation to the election of Samuel Haines, Esq. as Senator from Baldwin county, which was adopted. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

On motion of Mr. Elliott, the following resolution was adopted: *Resolved* by the Senate, that the committee of privileges and elections, be instructed to examine the returns of the election in the Executive Office of this state, in relation to the election of Samuel Haines, Esq. as a Senator from Baldwin county.

Mr. Elliott gave notice that on Monday next, he should ask for leave to introduce a bill, to be entitled an act, to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks in this state, as may aid the credit and currency of the Treasury notes.

Mr. Hogg obtained leave to introduce a bill, to be entitled an act, to give fees to physicians, in certain cases therein mentioned, and to point out the mode of recovering their debts for services rendered; which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Lucas, agreeably to notice, asked for, and obtained leave, to introduce a bill, to be entitled an act, to restrain the emancipation of

slaves, and to prevent free persons of colour from coming into the state; which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

Mr. Garth, from the committee of privileges and elections, to whom was referred the certificate, and other evidence of election of Samuel Haines, Esquire, made the following report:

The committee of privileges and elections, to whom was referred the credentials of Samuel Haines, Esq. from the county of Baldwin, respectfully report, to the Senate, that the sheriff of Baldwin county, has regularly certified the election of Samuel Haines, Esq. of Baldwin county, on the sixth of August past. But your committee report, that Robert R. Harwell did not resign his seat as Senator from Baldwin, until the 10th day of September last; and agreeably to the construction given the constitution by the Senate, Robert R. Harwell was Senator from Baldwin, at the time Samuel Haines was elected—

And be it resolved, that Samuel Haines is not entitled to a seat in the Senate: which was concurred in.

An engrossed bill to be entitled an act in relation to the Spanish records in Mobile county, was read the third time and passed. *Ordered*, that the title of said bill, be altered from a bill to an act, in relation to the Spanish records in Mobile county. *Ordered*, that said bill be sent to the House of Representatives, for their concurrence.

A message from the House of Representatives, by Mr. Morton:

Mr. President, I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, an act respecting rents; in which they desire your concurrence.

An engrossed bill to be entitled, an act to incorporate the town of Demopolis, was read the third time.

Mr. May proposed the following additional section, as an amendment to said bill, by way of rider:

"Sec. 11. *And be it further enacted*, that the election for the said councillors of the town of Demopolis, shall commence at the hour of 12 o'clock and be kept open until the hour of four in the afternoon; and that all freeholders and householders, twenty one years of age, residing within the limits of said corporation, shall be competent to vote for said councillors." On motion, the rule which requires all amendments, by way of rider to be read on three several days was dispensed with, and said amendment was read the second and third time and adopted.

The question was then put, "shall this bill pass?" and decided in the affirmative. *Ordered*, that the words, "a bill to be entitled," be stricken out. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed memorial to the Congress of the United States, praying that the restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation, for five years, sold after the passage of said act, should be removed, was read the third time and passed. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed resolution making it the duty of Harry Coulman, and

the judges of the supreme and circuit courts of this state, to report to the general assembly any defects or imperfections which may exist in the statutes of this state, was read the third time and passed. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives to be entitled, and act to incorporate the Murder creek navigation company, was read the third time. Mr. Deveraux moved, to fill the blank in the last section of said bill, with the word "five;" and on the question being put, it was decided in the affirmative. *Ordered*, that the secretary inform the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled, an act supplementary to the act entitled, an act for the collection of moneys due the state, and for other purposes, passed December 16, 1820, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives thereof.

A bill from the House of Representatives, to be entitled, an act allowing compensation to William Dunn for examining the Tuskalooza river, above the town of Tuskalooza, was read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

A bill from the House of Representatives, to be entitled, an act to appoint commissioners to lay out a certain road therein designated, was read the third time, as amended, and passed. *Ordered*, that the secretary notify the House of Representatives thereof and request their concurrence.

A bill from the House of Representatives, to be entitled, an act for the relief of Eugenio Campbell, tax collector of Laurens county for the year 1820, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on Monday next.

A bill from the House of Representatives to be entitled, an act to authorize the Executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on Monday next.

A bill from the House of Representatives to be entitled, an act to authorize the sale of the public lands, adjoining the town of Cahawba, was read the second time. Mr. Elliott moved, that the further consideration of said bill be indefinitely postponed; and on the question being put it was decided in the affirmative---yeas 13, nays 8.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Casey, Conner, Chambers, Dennis, Elliott, Gause, Gaines, Lucas, Linder, May, Trotter, Ware, Wingate.

Those who voted in the negative, are

Mr. President, Davis, Deveraux, Garth, Hanby, Hogg, M'Vay, Rose.

A message from the House of Representatives, by Mr. Pinchott:

Mr. President; I am instructed to inform your honorable body, that the House of Representatives have concurred in the several amendments made by your honorable body to the act to appoint commissioners

to lay out a certain road therein named; and also, to the act to incorporate the Murder creek navigation company.

On motion, *Ordered*, that the bill to be entitled, an act to authorize the administrators of John Lucas, deceased, to sell certain real estate, lie on the table.

On motion, *Ordered*, that the bill to be entitled, an act to amend the militia laws of this state, lie on the table.

On motion, the Senate adjourned till 3 o'clock.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

A bill to be entitled, an act supplementary to the several acts in relation to wills, intestates and guardians, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on Monday next.

A bill to be entitled, an act to amend the act to incorporate the city of Mobile, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on Monday next.

The Senate, according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act to amend the several acts regulating the proceedings in the courts of law and equity in this state. Mr. Chambers in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with an amendment; which was concurred in. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on Monday next.

Message from the House of Representatives, by Messrs. Bagby and Moore:

Mr. President; We are instructed by the House of Representatives, to inform your honorable body, that they have adopted the following resolution, in which they desire your concurrence:

"Whereas doubts exist on the minds of the members of this house, touching the constitutionality of the election of William Dunn, Esq. to the office of judge of the county court of Blount county, inasmuch as Marston Mead, Esq. was first declared by the Speaker of the House of Representatives to be duly elected to fill that office:

Be it therefore, *Resolved*, that a message be sent to the Senate informing them of said doubts, and requesting them to convene in the Representative chamber this day at four o'clock for the purpose of holding said election." The question was put, "will the Senate concur in said resolution?" and decided in the negative---yeas 6, nays 12.

The yeas and nays being required, those who voted in the affirmative, are

Messrs. Davis, Deveraux, Carth, Lucas, Lanier, May, Ware, Wingate.

Those who voted in the negative, are

Mr. President, Casey, Chambers, Dancy, Elliott, Gaute, Games, Haully, Hogg, McVay, Rye, Trotter.

Message from the House of Representatives, by Mr. Philpott:

Mr. President; I am instructed by the House of Representatives to in-

form your honorable body, that they have read a third time and passed, an act to amend an act entitled, an act to incorporate the Indian creek navigation company; in which they desire your concurrence.

Mr. Elliott gave notice, that on Monday next, he should ask for leave to introduce a bill, to be entitled an act, more effectually to enforce the several acts in relation to roads within this state.

*A bill from the House of Representatives, to be entitled an act to establish certain counties therein named, and for other purposes, was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day for Monday next.

A bill from the House of Representatives, to be entitled an act respecting rents, was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole House, and made the order of the day for Monday next.

A bill from the House of Representatives, to be entitled an act to amend an act, entitled an act to incorporate the Indian creek Navigation Company, was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

A bill from the House of Representatives, to be entitled an act, supplementary to the act entitled an act to suppress duelling, passed 17th December, 1819, was on motion, ordered to lie on the table.

The Senate according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act to establish a board of Internal Improvement, Mr. Davis in the chair; & after some time spent therein, the committee rose---Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment; which was concurred in. *Ordered*, that said bill be engrossed and made the order of the day, for a third reading on Monday next.

Mr. Lucas offered the following resolution: *Resolved*, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the Senate, with the concurrence of the House of Representatives, will adjourn *sine die* on the eighth of this month; and the question being put on the adoption of said resolution, it was decided in the affirmative. Yeas 12, nays 7. The yeas and nays being called for,

Those who voted in the affirmative, are

Mr. President, Conner, Chambers, Davis, Deveraux, Dennis, Garth, Lucas, N'Vay, Ross, Trotter, and Wingate--12.

Those who voted in the negative, are

Messrs. Elliott, Gause, Gaines, Hogg, Lanier, May, and Ware--7.

Mr. Elliott proposed the following amendment to said resolution: "Provided they shall have completed their business;" and on the question being put on the adoption of said amendment, the yeas and nays

being decided, it was determined in the affirmative. Yeas 12, nays 8.

Those who voted in the affirmative, are

Mr. President, Conner, Devereaux, Dennis, Elliott, Gause, Gaines, Hardy, Hogg, Laidler, May and Ware—12.

Those who voted in the negative, are

Messrs. Chambers, Davis, Garth, Lucas, M'Vay, Ross, Trotter and Whitely—8.

Ordered, that the said resolution be sent to the House of Representatives for their concurrence.

On motion, the Senate adjourned till Monday morning at 9 o'clock.

Monday, December 3, 1821.

The Senate met pursuant to adjournment.

On motion of Mr. Gause, the rule which requires one days notice before the introduction of a bill, was dispensed with, and leave was granted him, to introduce a bill to be entitled an act, to authorize a lottery, for building an Academy in the town of Montgomery; which was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Ordered, that the same be engrossed and made the order of the day, for a third reading on to-morrow.

Mr. Elliott, agreeably to notice, asked for, and obtained leave to introduce a bill to be entitled, an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state, to apply a certain sum of money therein named, for the purpose of making such arrangements with the specie paying banks in this state, as may aid the credit and currency of the Treasury notes; which was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time by its caption. Ordered, that said bill be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Elliott, agreeably to notice, asked for, and obtained leave to introduce a bill, to be entitled an act, more effectually to enforce the acts of the General Assembly of the 21st December, 1820, and of June 14th, 1821, in relation to roads within this state, which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Ordered, that the same be engrossed and made the order of the day, for a third reading on to-morrow.

Mr. M'Vay offered the following resolution: Resolved, that the judiciary committee be instructed to draft and bring in a bill, having for its object, the providing by law, for the people in future, to elect county Treasurers, county Surveyors, Coroners, Assessors and Tax collectors; and the question being put on the adoption of said resolution, it was decided in the negative. Yeas 9, nays 12. The yeas and nays being called for,

Those who voted in the affirmative, are

Messrs. Conner, Chambers, Dennis, Hardy, Lucas, Laidler, M'Vay, May and Ware—9.

Those who voted in the negative, are

Mr. President, Conner, Davis, Devereaux, Elliott, Garth, Gause, Gaines, Hogg, Ross, Trotter and Whitely—12.

The Senate requested the consideration of the bill to be entitled an

act to fix the time for convening the General Assembly of this state. On motion, ordered that said bill lie on the table for the present.

On motion of Mr. Gause, the committee of the whole was discharged from the further consideration of the bill to be entitled an act to establish certain counties therein named, and for other purposes. Said bill was then read the 3rd time, and on the question "shall this bill pass?" it was decided in the affirmative. Yeas 15, nays 4. The yeas and nays being called for,

Those who voted in the affirmative, are
Mr. President, Casey, Conner, Chambers, Deferaux, Dennis, Gause, Gibbs, Hasty, Hogg, Lucas, Linder, May, Rose and Wingate—15.

Those who voted in the negative, are
Messrs. Davis, Garth, McVay and Ware—4.

Ordered, that the Secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled an act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land therein named, was read the third time and passed. Ordered, that the Secretary notify the House of Representatives thereof.

On motion, the committee of the whole was discharged from the further consideration of the bill to be entitled an act to amend the militia laws of this state.

Mr. May proposed the following amendment to said bill:

"And be it further enacted, That the nineteenth Regiment of Alabama Militia be, and the same is hereby divided; and the second battalion of said Regiment, shall constitute the 38th Regiment of the said militia, and the said Regiment shall be organized in the manner heretofore pointed out by law," which was adopted. Ordered, that said bill lie on the table for the present.

A bill from the House of Representatives, to be entitled an act, for the relief of Eugenio Campbell, tax collector of Lawrence county, for the year 1820, was read the third time and passed. Ordered, that the Secretary notify the House of Representatives thereof.

A engrossed bill to be entitled an act to amend the act to incorporate the city of Mobile, was read the third time and passed. Ordered, that the title of said bill be an act to amend the act to incorporate the city of Mobile; Ordered, that the secretary notify the House of Representatives thereof and request their concurrence.

An engrossed bill to be entitled an act supplementary to the several acts in relation to wills, intestates and guardians, was read the third time. Mr. Elliott proposed the following as an amendment to said bill by way of rider.

"And be it further enacted, That whenever any executor, administrator, or guardian, shall become the purchaser of the whole or any part of the estate of their respective testator, intestate or ward, at public sale according to the provisions of the existing laws, such executor, administrator or guardian, shall within three days after such purchase, come into bond, with good and sufficient security, in a sum sufficient to

cover the amount of the purchase money together with all such interest and costs as may accrue between the period of purchase and payment; which bond shall be made payable to the judge of the county court or the chief justice of the county, as the case may be) in which the bond may be taken, and to his successors in office. And in case of the failure of payment of the amount thereof when the same shall become due the same may, at any time thereafter, be prosecuted under the direction of the county court of the county in which the same may be taken.

Sec. And be it further enacted, That if any executor, administrator or guardian, after becoming the purchaser at public sale of the whole or any part of the estate of their respective testator, intestate or ward shall neglect or refuse to enter into bond and security, according to the provisions of this act then the aforesaid purchase shall become null and void; and the county court of the county in which letters testamentary, letters of administration or letters of guardianship, shall have been granted, shall forthwith, thereafter, issue a citation to be directed to the executor, administrator or guardian, becoming the purchaser as aforesaid, requiring him to show cause, within a reasonable time, (which shall be particularly specified in the citation) why his aforesaid letters testamentary, letters of administration, or letters of guardianship should not be revoked. Whereupon, unless, good cause be shown to the satisfaction of the county court issuing the citation, the said letters testamentary, letters of administration or letters of guardianship, shall be revoked and annulled.

On motion the rule which requires all amendments, by way of rider, to be read on three several days was dispensed with and said amendment was read the second time. *Ordered*, that the same be engrossed for a third reading on tomorrow.

A Message from the House of Representatives by Mr. Dodson, their clerk.

Mr. President: I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed, an act to regulate the mode of issuing grants and patents in this state, in which they desire your concurrence.

An engrossed bill to be entitled an act to establish certain election precincts therein named, was read the third time and passed; *Ordered*, that the title of said bill be an act to establish certain election precincts therein named, and for other purposes. *Ordered*, that the secretary notify the House of Representatives of the passage thereof and desire their concurrence.

An engrossed bill, to be entitled an act to establish a board of Internal Improvement, was read the third time, and on the question, "shall this bill pass?" it was decided in the affirmative. Yeas 15, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Caley, Canner, Davis, Deveraux, Dennis, Elliott, Glaser, Grier, Hamby, Hogg, Lamer, May, Rose, Tumbler.

Those who voted in the negative, are

Messrs. Garth, Lucas, McVay, Wheeler.

Ordered, that the title of said bill be altered from a bill to an act to

establish a board of internal improvement. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled: an act to authorize a lottery for building a bridge over prairie creek in the county of Greene, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled, an act to amend the several acts regulating the proceedings in the courts of law and equity in this state, was read the third time.

Mr. Hogg proposed the following amendment to said bill, by way of rider.

"And be it further enacted, that so much of an act passed at Huntsville on the 17th day of December, 1819, to prevent frauds, and fraudulent combinations in the sale of public lands within this state, as directs that no person shall be convicted on the evidence alone of either party concerned in any contract or agreement mentioned in this act, be and the same is hereby repealed." *Ordered*, that said bill, with the amendment, lie on the table.

A bill from the House of Representatives to be entitled, an act to amend an act entitled an act to incorporate the Indian creek navigation company, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on to morrow.

A bill to be entitled, an act to restrain the emancipation of slaves and to prevent free persons of colour from coming into this state, was read the second time. *Ordered*, that said bill be committed to a committee of the whole house and made the order of the day for to morrow.

A bill to be entitled, an act to give fees to physicians in certain cases herein named, and to point out the mode of recovering their debts for services rendered, was read the second time. *Ordered*, that said bill be committed to a committee of the whole house forthwith.

The Senate, according to order, resolved itself into a committee of the whole on said bill, Mr. Gause in the chair; and after some time spent therein the committed rose, Mr. President resumed the chair, and Mr. Gause reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment; which was concurred in.

Mr. Elliott moved, that the further consideration of said bill be indefinitely postponed; and on the question being put, it was decided in the affirmative--yeas 12, nays 9. The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Chambers, Davis, Deveraux, Elliott, Garth, Lucas, May, Rose, Trotter, Wingate.

Those who voted in the negative, are

Messrs. Conner, Dennis, Gause, Gaines, Hanby, Hogg, Lanier, McVay, Ware.

Mr. Gause from the committee on enrolled bills reported, that said committee had examined the following acts, and found the same duly enrolled, viz: an act authorizing a lottery for the making of a turnpike road leading from the city of Mobile to, Chickasaw-bogue creek in the county of Mobile, and for other purposes; an act for the relief of John

M'Shan and William M'Shan of Jefferson county; an act to establish the seat of justice in the county of Shelby; an act to establish additional election precincts in certain counties therein named, and for other purposes; an act for the relief of John Bishop; an act to authorize William Crawford and Co. of Franklin county to build a mill and other water works on the Tennessee river, and for other purposes; an act to incorporate the town of Sparta and for other purposes; an act declaring the Mulberryfork of Tuskaloosa navigable from its junction with the Sipsiefork to Baltimore; all of which were accordingly signed by Mr. President.

A message from his Excellency, the Governor, by James J. Pleasants, Esquire, Secretary of State:

Mr. President, and gentlemen of the Senate, I am instructed by the Governor, to inform you, that he did on this day, approve and sign, an act declaring the Mulberry fork of Tuskaloosa river, navigable from its junction with the Sipsie fork to Baltimore; which originated in this honorable body. On motion, the Senate adjourned till 3 o'clock, P. M.

3 o'clock, P. M. The Senate met pursuant to adjournment.

Mr. Gause from the committee on enrolled bills, reported that said committee had examined the following acts, and found the same duly enrolled, viz: an act allowing compensation to William Dunn, for examining the Tuskaloosa river, above the town of Tuskaloosa; an act appointing commissioners to lay out a certain road therein designated; an act to incorporate the Murder creek Navigation Company; and, an act supplementary to an act, entitled an act for the collection of monies due the state, and for other purposes, passed 16th December, 1820; which were accordingly signed by Mr. President.

Mr. Rose presented the petition of sundry citizens of Autauga and Montgomery counties, praying for the passage of a law authorizing — to receive toll for building a bridge across — creek, which was referred to a select committee; whereupon, Messrs. Rose, Dennis and May were appointed said committee.

On motion, the bill to be entitled an act to amend the militia laws of this state, was taken up. Mr. Garth proposed the following amendment to said bill:

"And be it further enacted, That the sixth Regiment is divided; and the eastern Battalion shall be the 6th Regiment, and the western Battalion shall be the 39th Regiment of the militia of this state; and it shall be lawful for the officers of the 6th and 39th Regiments to alter the line dividing said Regiments;" which was adopted.

Mr. Gause proposed the following amendment to said bill:

"And be it further enacted, That the first Battalion of the 24th Regiment of this state shall hereafter compose one Regiment, which shall be known as the 30th Regiment of militia of this state."

"And be it further enacted, That it shall be the duty of the Brigadier General of the seventh Brigade of the militia of this state, and he is hereby required, to hold or cause to be holden, an election at the house of Ashley, on the first Monday in March next, for a Colonel of a Regiment, conformably to the militia laws now in force in this"

state; whose duty it shall be, so soon as he is commissioned, forthwith to organize and officer said Regiment.

And be it further enacted, That the Colonel of the 24th Regiment be, and he is hereby authorized and required, to hold or cause to be holden, an election to fill such vacancies as may happen by said division, if any; which was adopted. *Ordered*, that said bill be made the order of the day, for a third reading on to-morrow.

A message from the House of Representatives, by Mr. Philpott:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, in which they desire your concurrence.

The Senate, according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act supplementary to the act entitled, an act to suppress duelling, passed 17 December, 1819, Mr. Casey in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with amendments. The question was put, "will the Senate concur in the amendments made by the committee of the whole to said bill?" and decided in the negative. Said bill was then read the third time, as received from the House of Representatives, and passed. *Ordered*, that the secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled, an act appointing commissioners to lay out certain roads therein specified, and for other purposes, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same lie on the table.

A bill from the House of Representatives to be entitled, an act to regulate the mode of issuing grants and patents in this state, was read the first time. On motion, the rule which requires all bills to be read in three several days was dispensed with, and said bill was read the second time by its caption. *Ordered*, that said bill be made the order of the day for a third reading on to-morrow.

A bill to be entitled, an act providing for certain officers, was read the second time. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled, an act respecting rents, was on motion, ordered to lie on the table.

A message from the House of Representatives, by Mr. Clay, a member thereof. Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read the third time and passed, an act legalizing certain sales of land and lots therein named, and for other purposes.

A bill from the House of Representatives, to be entitled, an act legalizing certain sales of land and lots therein named, and for other purposes.

poses, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

On motion the Senate adjourned till tomorrow morning 9 o'clock.

Tuesday, December 4, 1821.

The Senate met pursuant to adjournment.

A bill from the House of Representatives, to be entitled, an act to amend an act entitled, an act to incorporate the Indian creek navigation company, was read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

A bill from the House of Representatives, to be entitled, an act to regulate the mode of issuing grants and patents in this state, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives thereof.

A message from the House of Representative, by Mr. Hardwick:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, an act to establish a public road therein mentioned, and for other purposes, in which they desire your concurrence.

A bill to be entitled an act to authorize a lottery, for the benefit of building an Academy in the town of Montgomery, was read the first time. Mr. Gause moved to fill the blank in said bill, with the words "five thousand;" and on the question being put, it was decided in the affirmative. The question was then put, "shall this bill pass?" and decided in the affirmative. *Ordered*, that the words "a bill to be entitled?" be stricken out. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

The amendment to the bill to be entitled an act to amend the militia laws of this state, was read the third time and adopted. The question was then put, "shall this bill pass?" and decided in the affirmative. *Ordered*, that the Secretary acquaint the House of Representatives thereof, and desire their concurrence.

An engrossed bill to be entitled an act, more effectually to enforce the acts of the General Assembly of the 21st December, 1820, and June 14th, 1821, in relation to roads within this state, was read the third time and passed. *Ordered*, that the title of said bill, be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to provide for certain officers, was read the third time and passed. *Ordered*, that the title of said bill be an act to provide for certain officers. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act, supplementary to the several acts in relation to wills, intestates, and guardians, was read the third time as amended, and passed. *Ordered*, that the words "a bill to be entitled," in the title of said bill, be stricken out, and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize the issuing of Treasury notes,

and to vest authority in the Executive of this state, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks in this state, as may aid the credit and currency of the Treasury notes, was on motion, ordered to lie on the table.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act, to restrain the emancipation of slaves, and to prevent free persons of colour from coming into this state, M'Vay in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. M'Vay reported, that the committee of the whole, had according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in. On motion, ordered that said bill be committed to a select committee, to examine and report thereon: Whereupon, Messrs. Casey, Lucas, Chambers, and Elliott were appointed said committee.

A bill from the House of Representatives, to be entitled an act to establish a public road therein mentioned, and for other purposes, was read the first time. Ordered, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Lucas, from the select committee, to whom was referred the petition of sundry citizens of Montgomery and Autauga counties, reported, a bill to be entitled, an act to establish a ferry and appoint commissioners to lay out a road therein named; which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. Ordered, that the same be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Trotter presented the petition of Thomas Easten, accompanied by an account against to state for printing; which was read, and on motion referred to the committee on claims.

Mr. Rose, from the select committee, to whom was referred the petition of the inhabitants of Dallas and Autauga counties made the following report: "The committee to whom was referred the petition of the inhabitants of Dallas and Autauga counties, on Mulberry creek, have had the same under their consideration and report, that in their opinion the petition is reasonable and just and ought to be granted; and your committee further beg leave to introduce a bill to be entitled an act to authorize Peter Ross to establish a toll bridge across Big-Mulberry creek between the counties of Dallas and Autauga;" which was read the first time. Ordered, that said bill be made the order of the day for a second reading on to-morrow.

The bill to be entitled, an act authorizing the sale of the college lands, was taken up; and on motion, the Senate resolved itself into a committee of the whole on said bill, Mr. Casey in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole, had, according to order, had said bill under consideration, and had directed him to report the same as amended. Mr. Davis moved, to divide the question on concurring in the amendments made by the committee of the whole

house to said bill; and on the question being put, it was resolved in the affirmative. The question was then put on concurring in the amendment made by the committee of the whole to said bill, providing that one trustee shall be selected from each judicial circuit in this state, and decided in the affirmative---yeas 16, nays 4.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Deveraux, Dennis, Elliott, Gause, Hanby, Hogg, Lanier, May, Rose, Trotter, Ware, Wingate.

Those who voted in the negative, are

Messrs. Davis, Garth, Lucas, M'Vay.

On motion the Senate concurred in the other amendments made by the committee of the whole to said bill. Mr. M'Vay moved to strike out the word "two" in the fifth section of said bill, and insert in lieu thereof the word "three;" and on the question being put it was resolved in the affirmative. Ordered, that said bill be engrossed and made the order of the day for a third reading on to morrow.

A message from His Excellency the Governor, by James J. Pleasants, Esq. secretary of state.

Executive Department. December 4, 1821.

Gentlemen of the Senate, and of the House of Representatives;

While a small portion of your attention will be necessarily occupied in improving the militia laws, I think it proper to suggest several obvious defects, which appear to require amendment.

1. Courts martial for trying contested elections of general officers are required to be detailed from the same divisions or brigades. Those persons must necessarily compose the tribunal who will most likely participate in the prejudices usual on such occasions. Besides, should a decision not be sanctioned, owing to illegality of detail, or other proper cause, there may be some difficulty in detailing a new court from the same brigade or division, especially in procuring officers of high rank to compose it.

2. The law requires the trial and proceedings of such courts to be conducted under a solemn oath of secrecy; although in the decision of a disputed election, not one of those prudential reasons apply, which require secrecy in the usual duties of military courts, where the character or conduct of an officer is generally implicated.

Nothing contributes so much to fair investigation, as open public trials; to say nothing of the demoralizing tendency of unnecessary oaths and the consequent liability to inadvertent violations of them.

3. In the 38th section of our militia law of December, 1820, "The rules and articles for the government of the armies of the United States," are adopted as a part of our military government, when any portion of our militia may be on public service. The 65th article of those rules and articles, as well as universal usage under them, subjects every decision of court martial to the revision of the officer ordering it, or to the officer highest in command. Yet the terms used in the 8th section of our militia act, are not without susceptibility of doubt, whether this right of revision is taken from the Executive as commander in chief in decisions of contested elections. The law should be made clear in this

particular for the determination of decisions that may hereafter occur. Any cases however, that may be presented, whether involved in doubt or not, will meet that determination which will be the result of mature reflection in the law existing, when it has occurred.

4. It is also worthy of consideration, whether an annual review of all the regiments in the state by the adjutant general would not insure a more uniform system of discipline, a better organization of our body of militia, as well as a greater punctuality in obtaining returns, and at the same time more economy in expense, than the present system.

ISRAEL PICKENS.

Said message was read, and on motion, *Ordered* to be referred to the military committee.

The following message was, also, received from the Governor, by J. J. Pleasants, Esq.

Executive Department, Cahamba, December 4, 1821.

Gentlemen of the Senate, and of the House of Representatives;

I have received a letter from William C. Watson, Esq. who was appointed a judge of the county court of Henry county, declining the acceptance of said office.

ISRAEL PICKENS.

Ordered, that said message lie on the table.

A message from the House of Representatives by Mr. Hardwick, a member thereof :

Mr. President : I am directed by the House of Representatives to inform your honorable body, that they have read the third time and passed, an act to authorize Elisha Thomas, Davis Gurley and their associates to turnpike a road therein named in which they desire your concurrence.

The senate according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks in this state, as may aid the credit and currency of the Treasury notes ; Mr. Garth in the chair ; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Garth reported that the committee of the whole had according to order had said bill under consideration and had directed him to report the same without amendment ; which was concurred in. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Casey obtained leave to introduce a bill to be entitled an act to fix the temporary seat of justice in the county of Jackson, & also, a bill to incorporate the town of Belle Fonte in the county of Jackson ; which were severally read the first time: on motion the rule which requires all bills to be read on three several days was dispensed with, and said bills were read the second time. *Ordered*, that said bills be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Elliott obtained leave to introduce a bill to be entitled an act to provide for transcribing and transferring certain records from Mobile to Baldwin county, which was read the first time. On motion the rule

which requires all bills to be read on three several days was dispensed with; and said bill was read the second time. *Ordered*, that the same be engrossed and made the order of the day for a third reading on to-morrow.

Mr. Lucas obtained leave to introduce a bill to be entitled an act to alter the time of holding the county court of Franklin county, which was read the first time. On motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on to-morrow.

On motion, the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

On motion the Senate adjourned till to-morrow morning at 9 o'clock.

Wednesday, Dec. 5th, 1821.

The Senate met pursuant to adjournment.

An engrossed bill to be entitled an act to establish the temporary seat of justice in the county of Decatur, and for other purposes was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to incorporate the town of Belle Fente in the county of Jackson, was read the third time and passed, *Ordered*, that the title of said bill be as aforesaid, & that the same be sent to the House of Representatives for their concurrence.

The engrossed bill to be entitled an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state to apply a certain sum of money therein mentioned for the purpose of making such arrangements with the specie paying banks of this state as may aid the credit and currency of the Treasury notes, was read the third time.

Mr. Elliott moved to fill the first blank in the first section of said bill, with the words "thirty thousand;" and on this question being put, it was resolved in the affirmative.

Mr. Elliott then moved to fill the second blank, in the first section of said bill, with the words "six thousand dollars in notes or bills of seventy-five cents;" the third blank, with the words "six thousand dollars in notes or bills of fifty cents;" the fourth blank, with the words "six thousand dollars in notes or bills of twenty-five cents;" the fifth blank, with the words "six thousand dollars in notes or bills of twelve and a half cents;" the sixth blank, with the words "six thousand dollars in bills or notes not exceeding one dollar each;" and on the question being put, it was resolved in the affirmative.

Mr. Elliott moved to fill the last blank in said bill, with the words "five hundred," and on the question being put, it was decided in the affirmative. The question was then put, "shall this bill pass?" and decided in the affirmative. *Ordered*, that the title of said bill be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. Philpott, a member thereof.

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have amended the amendment made by the Senate, the act to alter and amend the militia laws of this state, by striking out the word "be," in the 8th section. They have also read the third time and passed, an act to establish an Academy in the town of Sparta, and for other purposes; also an act to incorporate the town of Vernon, in the county of Autauga---in all which they desire your concurrence.

An engrossed bill to be entitled an act to provide for transcribing and transferring certain records from Mobile to Baldwin county, was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid. *Ordered*, that said bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to alter the time of holding the County Courts of Franklin, was read the third time and passed. *Ordered*, that the title of said bill be an act to alter the time of holding the County Courts of Franklin. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to establish a ferry, and to appoint commissioners to lay out a certain road therein named, was read the third time. Mr. Gause moved to fill the first blank in said bill, with the names of "Robert Glenn, Clement Freeny, William Ashley, Boling Hall, and Francis Lewis;" and on the question being put, it was decided in the affirmative. Mr. Gause then proposed the following amendment to said bill, by way of rider.

"*And be it further enacted*, That the petition, praying for the road herein established, shall be deposited in the clerk's office of Autauga county; and that a copy thereof, shall be filed in the clerk's office of Montgomery county;" which was read the first time. On motion, the rule which requires all amendments, by way of rider, to be read on three several days, was dispensed with, and said amendment was read the second and third times and adopted. The question was then put, "shall this bill pass?" and decided in the affirmative. *Ordered*, that the title of said bill be as aforesaid. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act, authorizing the sale of the College Lands, and for other purposes, was read the third time. Mr. Davis moved to fill the first blank in said bill, with the word "twenty;" and on the question being put, it was decided in the negative. Mr. McVay moved to fill said blank, with the word "eighteen," and on the question being put, it was decided in the negative. Mr. Davis moved to fill said blank, with the words "seventeen dollars and fifty cents;" and on the question being put, it was decided in the negative. Yea 10, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Gause, Davis, Dennis, Garth, Gause, Lucas, Lanier, McVay, Ware.

Those who voted in the negative, are

Messrs. Conner, Chambers, Deveraux, Elliott, Hanby, Hogg, May, Rose, Trotter, Wingate.

Mr. Casey moved to fill said blank with "seventeen;" and on the question being put, it was decided in the affirmative---yeas 12, nays 8.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Conner, Davis, Dennis, Garth, Gause, Hogg, Lucas, Lanier, McVay, Ware.

Those who voted in the negative, are

Messrs. Chambers, Deveraux, Elliott, Hanby, May, Rose, Trotter, Wingate.

Mr. Rose moved, to fill the blank in the 11th section of said bill, with the word "three;" and on the question being put, it was decided in the affirmation. Mr. Davis proposed the following amendment to said bill, by way of rider.

"*And be it further enacted*, that the said trustees are hereby required to report to the next general assembly, a suitable site, or sites, for the establishment of a branch of said university for the education of females." On motion the rule which requires all amendments, by way of rider, to be read on three several days was dispensed with, and said amendment was read the second and third times and adopted. The question was then put, "shall this bill pass?" and decided in the affirmative---yeas 13, nays 6.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Chambers, Deveraux, Dennis, Elliott, Gause, Hanby, Hogg, May, Rose, Trotter, Wingate.

Those who voted in the negative, are

Messrs. Davis, Garth, Lucas, Lanier, McVay, Ware.

Ordered, that the title of said bill, be an act authorizing the sale of the college lands and for other purposes. *Ordered*, that said bill be sent to the House of Representatives for their concurrence.

Mr. Lucas obtained leave to spread his reasons upon the journal for voting against the passage of said bill, which are as follows, to wit:

I, William Lucas, Senator from the county of Franklin, do hereby dissent from, and protest against the sale of the University lands, given to this state by the general government, for the following reasons, to wit: 1st. I believe this to be an improper time to sell those lands, as there is much land belonging to the United States coming into market. 2nd. It is uncertain at this time what disposition will be made of the money arising from the sale of said lands. Should it be placed in bank stock, it is not certain that it will produce any profit, and if the bank is not judiciously managed, it may be finally lost. 3rd. I am of opinion the said institution will be on a more permanent foundation, and yield a greater profit by leasing the lands for a number of years at a time, or to sell it on a credit of twenty or thirty years, the purchaser to pay up the interest on his bond every year, until the principle is paid, the state to retain a lien on the land, in case of failure of the purchaser and his security should take place.

(Signed)

WILLIAM LUCAS.

A bill from the House of Representatives, to be entitled, an act to

establish a public road therein named, and for other purposes, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on to-morrow.

A bill to be entitled, an act to authorize Peter Ross to establish a toll bridge on Big-Mulberry creek, between the counties of Autauga and Dallas, was read the second time. *Ordered*, that said bill be engrossed and made the order of the day, for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled, an act to incorporate the town of Vernon, in the county of Autauga, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

A bill from the House of Representatives, to be entitled, an act to establish an academy in the town of Sparta, and for other purposes, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

On motion, the Senate concurred in the amendment made by the House of Representatives, to their amendment, to the bill to be entitled, an act to alter and amend the militia laws of this state. *Ordered*, that the House of Representatives be informed thereof.

A bill from the House of Representatives, to be entitled an act to authorize Elisha Thomas, Davis Gurley, and their associates, to turnpike a road therein named, was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Rose obtained leave to introduce a bill to be entitled an act to authorize the County Court of Butler county, to compensate certain commissioners therein named, and for other purposes; which was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on to-morrow.

Mr. Elliott, agreeably to notice, asked for, and obtained leave to introduce a bill to be entitled an act for the relief of Henry V. Chamberlain; which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house, and made the order of the day for to-morrow.

On motion, the bill to be entitled an act to fix the time for convening the General Assembly of the state of Alabama, was taken up. Mr. Casey moved to strike out the words "on the second Monday in January 1823, and on each succeeding 2d Monday in January in each and every year until otherwise directed by law;" and on the question being put, it was decided in the affirmative. Said bill was then read the third time, as received from the House of Representatives, and passed. *Ordered*, that the Secretary notify the House of Representatives thereof.

Mr. Gause, from the committee on enrolled bills, reported that said committee had examined the following acts, and found the same duly enrolled, viz: an act to authorize the executor of Joseph Phillips, deceased, to sell and transfer certain certificates of land, therein named; an act for the relief of Eugenio Campbell, tax collector of Lawrence county; an act to amend an act, entitled an act to incorporate the Ind-

an creek Navigation Company; an act, supplementary to an act entitled an act to suppress duelling, passed 17th December, 1819; an act to establish certain counties therein named, and for other purposes; an act to regulate the mode of issuing grants and patents in this state; all of which were accordingly signed by Mr. President.

On motion, the Senate adjourned till to-morrow morning at 9 o'clock.

Thursday, December 6, 1821.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Greening:

Mr. President. I am instructed by the House of Representatives, to inform your honorable body, that his Excellency has returned to that House, an act to incorporate the Murder creek Navigation Company; suggesting an obvious defect therein, that the House of Representatives have reconsidered the vote on the passage and third reading of said bill--have amended the same, read a third time and passed it; in which passage they desire the concurrence of your honorable body.

Mr. Conner obtained leave to record his name in favor of the passage of the bill to be entitled an act authorizing the sale of the College Lands, and for other purposes.

Mr. Wingate presented the petition of M. J. Kenan, praying to be released from the payment of the rent of a certain tract of land therein named; which was read, and on motion, referred to a select committee. Whereupon, Messrs. Wingate Dennis, and May were appointed said committee.

Mr. Wingate, also presented the petition of Charles Thaxter; which was read, and on motion referred to the committee on claims.

Mr. Wingate, also presented the petition of a number of the citizens of Wilcox county, praying an alteration in the boundaries of said county. *Ordered*, that said petition be referred to the committee on county boundaries.

Mr. Rose moved to reconsider the vote of the Senate, ordering the bill to be entitled an act to give fees to physicians in certain cases therein mentioned, and to point out the mode of recovering their debts for services rendered to be indefinitely postponed, and on the question being put, it was decided in the affirmative.

Mr. M'Vay moved to strike out all of the said bill after the enacting clause, and on the question being put it was decided in the affirmative. Mr. M'Vay then moved to insert in lieu of the words stricken out the following: "That on the trial of all suits brought by any physician or physicians, against whom any person or persons whatsoever for the recovery of money for services rendered, the Court before which the action is brought shall have power and authority, and it is hereby required, to order such physician or physicians to pay the costs of suit whenever it shall be made appear to the satisfaction of the court before which the action is brought that the account or demand of such physician or physicians for services rendered is unjust or unreasonable."

Mr. Casey moved, to strike out the words "any physician or physicians against"; and on the question being put it was decided in the negative: yeas 10, nays 11.

The yeas and nays being required, those who voted in the affirmative, are

Messrs. Casey, Davis, Deveraux, Elliott, Garth, Gause, Lanier, May, Trotter, & Ware.

Those who voted in the negative, are

Mr. President, Conner, Chambers, Dennis, Gaines, Hanby, Hogg, Lucas, McVay, Rose, and Wingate.

Mr. Garth moved, to amend said amendment by inserting after the words "physician or physicans," the words "or any other person or persons;" on the question being put, it was decided in the affirmative. The question was then put on the adoption of said amendment and decided in the affirmative; *Ordered*, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Garth agreeably to notice, asked for and obtained leave to introduce a bill to be entitled an act paying witnesses in certain cases; which was read the first time: on motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time; *Ordered*, that the same be committed to a committee of the whole house, and made the order of the day for tomorrow.

Mr. Lucas offered the following resolution: *Resolved*, that a committee be appointed on the part of the Senate, to confer with such committee as may be appointed on the part of the House of Representatives, to examine the amount of printing for the state, for the political year 1820-21, and to report by bill or otherwise. Whereupon, Messrs. Lucas, Chambers, and Hogg, were appointed on the part of the Senate. *Ordered*, that the Secretary notify the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled an act to establish a public road therein named, and for other purposes, was read the third time and passed. *Ordered*, that the Secretary inform the House of Representatives thereof.

An engrossed bill to be entitled an act to authorize Peter Ross to establish a toll bridge across Big Mulberry creek, between the counties of Dallas and Autauga, was read the third time. Mr. Rose moved to fill the first blank in said bill with "twenty-five," the second with "thirty-seven and a half," the third with "twelve and a half," the fourth with "six and one fourth," the fifth with "six and one fourth," the sixth with "two," and the seventh with "one cent," and on the question being put, it was decided in the affirmative. The question was then put, "shall this bill pass?" and decided in the affirmative. Yeas 16, nays 5. The yeas & nays being called for, Those who voted in the affirmative, are

Mr. President, Conner, Chambers, Davis, Deveraux, Dennis, Elliott, Gause, Gaines, Hanby, Hogg, Lucas, May, Rose, Ware and Wingate—16.

Those who voted in the negative, are

Messrs. Casey, Garth, Lanier, McVay, and Trotter—5.

Ordered, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, to be entitled, an act to authorize Elisha Thomas, Davis Guffy, and their associates, to turnpike a road therein named, was read the second time. *Ordered*, that said bill be committed to a committee of the whole house and made the order of the day for tomorrow.

A bill from the House of Representatives, to be entitled, an act to incorporate the town of Vernon in the county of Autauga, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on to morrow.

A bill from the House of Representatives, to be entitled, an act to establish an academy in the town of Sparta, and for other purposes, was read the second time. *Ordered*, that said bill be made the order of the day for a third reading on to morrow.

A bill to be entitled, an act for the relief of Henry V. Chamberlain, was ordered to lie on the table.

A bill to be entitled, an act to authorize the county court of Butler county to compensate certain commissioners therein named, was read the second time. *Ordered*, that said bill be committed to a committee of the whole house, and made the order of the day for to morrow.

Mr. Casey moved to reconsider the vote of the Senate on the third reading and passage of the bill to be entitled, an act to incorporate the murder creek navigation company; and on the question being put, it was resolved in the affirmative. *Ordered*, that said bill lie on the table for the present.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the following acts and found the same duly enrolled, to wit: an act to fix the time for convening the general assembly of the state of Alabama; an act legalizing the sales of certain lands and lots therein named, and for other purposes; an act to alter and amend the militia laws of this state; all of which were accordingly signed by Mr. President.

On motion the Senate adjourned till tomorrow morning at 9 o'clock.

Friday, December 7, 1821.

The Senate met pursuant to adjournment.

A bill from the House of Representatives, to be entitled, an act to incorporate the town of Vernon in the county of Autauga, was read the third time, and passed. *Ordered*, that the secretary notify the House of Representatives thereof.

On motion the bill from the House of Representatives to be entitled, an act to incorporate the Murder creek navigation company, was taken up.

Mr. Davis moved, that the Senate disagree to the amendment made by the House of Representatives to said bill; and on the question being put, it was decided in the affirmative. *Ordered*, that the secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Williamson a member thereof:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read the third time and passed, an act to authorize Leonard Abercrombie to emancipate certain slaves therein named; which originated in this honorable body.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined, an act to establish a public road therein named, and for other purpose, and found the same duly enrolled.

A bill from the House of Representatives to be entitled, an act to es-

establish an academy in the town of Sparta, and for other purposes, was read the third time and passed. *Ordered*, that the secretary acquaint the House of Representatives thereof.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled, an act to authorize Elisha Thomas, Davis Gurley, and their associates, to turnpike a road therein named, Mr. Elliott in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Elliott reported, that the committee of the whole, had, according to order, had said bill under consideration, & had directed him to report the same as amended; which was concurred. *Ordered*, that said bill be made the order of the day for a third reading on to-morrow.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act paying witnesses in certain cases, Mr. Rose in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Rose reported that the committee of the whole, had, according to order, had said bill under consideration, and had directed him to report the same without amendment; which was concurred in. Mr. Elliott moved that the further consideration of said bill, be indefinitely postponed; and, on the question being put, it was decided in the affirmative. Yeas 17, nays 2. The yeas and nays being called for,

Those who voted in the affirmative, are

Mr. President, Casey, Conner, Deveraux, Dennis, Elliott, Gause, Gibson, Hogg, Lucas, Lanier, M'Vay, May, Rose, Trotter, Ware and Wingate—17.

Those who voted in the negative, are

Messrs. Garth, and Hauby—2.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act to authorize the County Court of Butler county, to compensate certain commissioners therein named, and for other purposes---Mr. Casey in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole, had, according to order, had said bill under consideration, and had directed him to report the same as amended; which was concurred in. *Ordered*, that said bill be engrossed, and made the order of the day for a third reading on to-morrow.

On motion; the bill to be entitled an act for the relief of Henry V. Chamberlain, was taken up; and the Senate according to order, resolved itself into a committee of the whole on said bill---Mr. Chambers in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole, had, according to order, had said bill under consideration, and directed him to report the same without amendment; which was concurred in. *Ordered*, that said bill be engrossed, and made the order of the day, for a third reading on to-morrow.

An engrossed bill to be entitled an act to give fees to physicians in certain cases therein named, and to point out the mode of recovering their debts for services rendered, was read the third time. Mr. Casey moved to amend said bill by way of rider, by inserting after the words

"physician or physicians," the words "or other person or persons," which was read the first time. On motion, the rule which requires all amendments by way of rider, to be read on three several days, was dispensed with, and said amendment was read the second and third times and adopted. The question was then put, "shall said bill pass?" and decided in the affirmative. *Ordered*, that the title of said bill, be an act pointing out the mode of recovering debts by physicians, and other persons, for services rendered. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

Mr. Lucas obtained leave to introduce a bill to be entitled, an act to prevent the circulation of small notes, commonly called change bills; which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that said bill be committed to a committee of the whole house, and made the order of the day for to-morrow.

Mr. Deveraux obtained leave to introduce a bill to be entitled, an act amendatory of an act to incorporate the town of Sparta, and for other purposes; also, a bill to be entitled an act to appoint commissioners for certain counties therein named, and for other purposes; which were severally read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bills were read the second times. *Ordered*, that said bills be engrossed and made the order of the day, for a third reading on to-morrow.

A bill from the House of Representatives, to be entitled an act respecting rents, was taken up; and on motion, the Senate, according to order, resolved itself into a committee of the whole, on said bill--Mr. M'Vay in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. M'Vay reported, that the committee of the whole, had, according to order, had said bill under consideration, and had instructed him to report the same without amendment; which was concurred in.

Mr. Elliott moved, to amend said bill by inserting after the word "state," in the last section of said bill, the words "so far as the same may conflict with the provisions of this act" and on the question being put, it was decided in the affirmative. The question was then put, "shall this bill pass?" and decided in the affirmative. *Ordered*, that the secretary notify the House of Representatives thereof and desire their concurrence.

On motion, *Ordered*, that Mr. Dennis be added to the military committee.

On motion, *Ordered*, that Mr. Casey be added to the select committee appointed to take into consideration the expediency of memorializing the Congress of the United States upon the subject of the annexation of West Florida to this state.

On motion, the Senate adjourned till to-morrow morning, at 10 o'clock.

Saturday, December 8, 1821.

The Senate met pursuant to adjournment.

Mr. Gause, from the committee on county boundaries, to whom was

referred the petition of a number of the citizens of Wilcox county, made the following report:

"The committee to whom was referred the petition of the citizens of Wilcox county, praying an alteration in the boundaries of said county, report, that the prayer of the petition is unreasonable and ought not to be granted;" which was concurred.

Mr. Gaule, from the committee on enrolled bills, reported, that said committee had examined an act to authorize Leonard Abernethy to emancipate certain slaves therein named, and found the same correctly enrolled; which was accordingly, signed by Mr. President.

A message from the House of Representatives, by Mr. Hardwicke, a member thereof.

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed, an act supplementary to an act, entitled an act for the relief of securities; an act to provide for assessing and collecting the revenue in this state; and an act to repeal in part and amend an act entitled, an act to constitute a court of oyer and terminer for the trial of slaves, and for other purposes; In all of which they desire the concurrence of your honorable body.

Mr. Rose, from the committee on claims, to whom was referred the petition of Charles Thaxter reported, a bill to be entitled, an act for the relief of Charles Thaxter; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

Mr. Rose, from said committee, to whom was referred the petition of Thomas Eastin, reported a bill to be entitled, an act for relief of Thomas Eastin; which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house and made the order of the day for Monday next.

Mr. Davis obtained leave to introduce a bill to be entitled, an act to repeal so much of the third section of an act entitled, an act to reduce the expenses of the general assembly, and for other purposes, passed at Cahawba on the 15th day of June, 1821, as is herein specified; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

Mr. Wingate, from the select committee, to whom was referred the petition of M. J. Kenan, reported a bill to be entitled, an act for the relief of M. J. Kenan; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on Monday next.

Mr. Deveraux obtained leave to introduce a bill, to be entitled, an act to incorporate the Murder creek navigation company; which was read the first time.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that said bill be engrossed and made the order of the day, for a third reading on Monday next.

An engrossed bill to be entitled an act amendatory of an act to incorporate the town of Sparta, was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the relief of Henry V. Chamberlain, was read the third time. Mr. Elliott moved to fill the blank in said bill, with "one hundred and eighty-two dollars and eighty-five cents," and on the question being put, it was decided in the affirmative. Mr. Garth proposed the following amendment to said bill, by way of rider.

"And be it further enacted, That no tax collector shall be compelled to pay 15 per cent damages for failing to pay the taxes collected in their counties; and the damages are hereby remitted, as in the case of Henry V. Chamberlain; and the question being put, on the adoption of said amendment, it was decided in the negative. Yeas 2, nays 17. The yeas and nays being called for.

Those who voted in the affirmative, are

Messrs. Garth and McVay—2.

Those who voted in the negative, are

Mr. President, Casey, Conner, Chambers, Davis, Devereux, Dennis, Elliott, Cause, Gaines, Hogg, Lucas, Lanier, May, Rose, Trotter and Wingate—17.

The question was then put, "shall said bill pass?" and decided in the affirmative. Yeas 13, nays 2. The yeas and nays being desired,

Those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Davis, Devereux, Dennis, Elliott, Cause, Gaines, Hogg, Lucas, Lanier, May, Rose, Trotter, Ware and Wingate—18.

Those who voted in the negative, are

Messrs. Garth, and McVay—2.

Ordered, that the title of said bill be an act for the relief of Henry V. Chamberlain, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to appoint commissioners for certain counties therein named, and for other purposes, was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, to be entitled an act to authorize Elisha Thomas, Davis Gurley, and their associates, to turnpike a road therein named, was ordered to lie on the table.

The Senate according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act to prevent the circulation of small notes, commonly called change bills. Mr. Davis in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole, had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted. *Ordered*, that said bill lie on the table.

Mr. Cause, from the committee on enrolled bills, reported that said committee had examined the following acts, and found the same duly

enrolled, viz: an act to establish an academy in the town of Sparta, and for other purposes, and an act to incorporate the town of Vernon, in the county of Autauga, which were accordingly signed by Mr. President.

Mr. Casey offered a resolution, appointing David White and Jesse Beebe commissioners in addition to those already appointed, to take charge of the public lands adjoining the town of Cahawba; which was read the first time. *Ordered*, that said resolution be made the order of the day, for a second reading on Monday next.

A bill from the House of Representatives, to be entitled an act to repeal in part, and amend an act entitled an act to constitute a court of Oyer and Terminer, for the trial of slaves, and for other purposes, was read the first time. *Ordered*, that said bill be made the order of the day, for a second reading on Monday next.

A bill from the House of Representatives to be entitled an act supplementary to an act entitled an act for the relief of securities, was read the first time; *Ordered*, that said bill be made the order of the day for a second reading on Monday next. On motion of Mr. Elliott, *Ordered*, that thirty copies of said bill be printed for the use of the Senate.

A bill from the House of Representatives to be entitled an act to provide for assessing and collecting the the taxes of this state, was read the first time. Mr. Davis moved, that thirty copies of said bill be printed for the use of the Senate; and on the question being put it was decided in the negative--yeas 9, nays 11.

The yeas and nays being called for. Those who voted in the affirmative, are

Mr. President, Conner, Chambers, Davis, Deveraux, Elliott, Lanier, May, and Wingate--9.

Those who voted in the negative, are

Messrs. Casey, Dennis, Garth, Gause, Gaines, Hanby, Hogg, Lucas, M'Vay, Rose, and Trotter.--11.

Ordered, that said bill be made the order of the day for a second reading on Monday next.

The bill to be entitled an act to authorize the administrators of the late John Lucas to sell certain real estate was taken up: and the Senate, according to the order of the day, resolved itself into a committee of the whole on said bill; Mr. Rose in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Rose reported, that the committee of the whole had, according to order, had said bill under consideration and had directed him to report the same as amended; which was concurred in.

Mr. Gause proposed to amend said bill by adding the following provision to the first section thereof: "*Provided*, that said administrators shall 1st enter into bond with sufficient security to be approved by the judge of the county court of Montgomery county conditioned, for the faithful application of the money arising from the sale of said land," which was adopted. *Ordered*, that said bill be engrossed and made the order of the day for a third reading on Monday next.

On motion, the Senate adjourned till Monday morning 10 o'clock.

Monday, Dec. 10, 1834

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Hardwick.

Mr. President: I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed bills of the following titles, to wit;

An act to authorize the administrator of John Watt, deceased to sell certain real estate therein named; an act for the punishment of malicious mischief; an act to amend an act entitled an act to reduce into one the several acts concerning Strays; an act to legitimate a certain person therein named, and for other purposes; and Resolutions instructing our Senators in Congress in relation to the census of this state, in all of which they desire the concurrence of your honorable body.

They have also, read the third time and passed, an act supplementary to the several acts in relation to Highways, Bridges and Ferries, which originated in your honorable body: and have amended the same by adding the following proviso at the end thereof viz:

Provided, that this act shall only extend to the counties of Mobile and Baldwin, and *Provided* also, that if any delay is created by the ferry-men aforesaid, no penalty shall be recovered from any person whatever, by crossing said ferry: in which amendment they also desire the concurrence of your honorable body.

They have also, read a third time and passed, an act in relation to the Spanish records in the county of Mobile; Resolutions to request our Senators and Representative in Congress to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians relative to the cession of certain parts of their territory; and Resolutions making it the duty of Henry Toulmin and of the Judges of the Supreme and Circuit courts of this state to report to the General Assembly any defects or imperfections which may exist in the statutes of this state: all of which originated in your honorable body.

They concur in the amendment made by the Senate to the bill to be entitled an act respecting rents, in adding after the word "state" in the second section, the words, "so far as the same may conflict with the provisions of this act."

Mr. Casey presented the petition of Mathew D. Thomason, relative to the landing in the town of Cahawba, which was read; and on motion, referred to the committee on claims.

Mr. Casey also, presented the petition of a number of the citizens of the town of Selma: which was read; and on motion, referred to the committee on roads, bridges, and ferries to examine and report thereon.

Mr. Rose obtained leave to introduce a joint resolution to instruct our Senators, and request our Representative in Congress, to use their influence to procure to Thomas Barton and Chappel Sledge, the grant of establishing a road in the Creek nation of Indians, leading from a new bridge to the U. States boundary line, on Line creek; which was read the first time. On motion, the rule which requires all bills and resolutions to be read on three several days was dispensed with, and the resolution, was read the second time. Ordered, that the same be read

engrossed and made the order of the day for a third reading on to morrow.
A message from the House of Representatives, by Mr. Leake a member thereof.

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have concurred in the resolution of the Senate appointing a committee on their part, to confer with such committee as may be appointed on the part of the House of Representatives to examine the amount of printing for the state for the political year 1820, 1821, and report by bill or otherwise; and that they have appointed on their part Messrs. Leake, Potham and Crenshaw.

On motion, the Senate concurred in the amendment made by the House of Representatives, to the bill to be entitled, an act supplementary to the several acts in relation to highways, ferries and bridges.

A bill from the House of Representatives to be entitled, an act to legitimate a certain person therein named, and for other purposes, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to morrow.

A resolution from the House of Representatives instructing our Senators and requesting our Representative in Congress, in relation to the census of this state, was read the first time. *Ordered*, that said resolution be made the order of the day for a second reading on to morrow.

A bill from the House of Representatives, to be entitled, an act to amend an act entitled, an act to reduce into one the several acts concerning strays, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to morrow.

A bill from the House of Representatives to be entitled, an act for the punishment of malicious mischief, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to morrow.

A bill from the House of Representatives, to be entitled, an act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be made the order of the day for a third reading on to morrow.

Mr. Hogg obtained leave to introduce a bill to be entitled, an act prescribing the mode by which a jury shall be drawn for the first circuit court for Pickens county; which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be engrossed and made the order of the day for a third reading on to morrow.

An engrossed bill to be entitled an act to authorize the administrator of the late John Lucas, to sell certain real estate, was read the third time. Mr. Gause moved to reconsider the vote of the Senate, on the ordering said bill to a third reading, and on the question being put, it was decided in the affirmative. Mr. Gause then moved to strike out the word "private" in the first section of said bill, and insert in lieu thereof the word "public," and on the question being put, it was decided in the affirmative. Mr. Casey moved to strike out all the first

section of said bill after the enacting clause; and on the question being put, it was decided in the affirmative. The question was then put on the passage of said bill as amended, and decided in the affirmative. *Ordered*, that the title of said bill, be an act to authorize Abraham Skidmore and others, to sell certain real estate. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to incorporate the Murder creek Navigation company, was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A message was received from his Excellency, the Governor, by James J. Pleasants, Esq. Secretary of State, informing the Senate, that the Governor did, on the 3th inst. approve and sign, an act to authorize Leonard Abercrombie to emancipate certain slaves therein named; which originated in this House.

A bill to be entitled an act for the relief of Charles Thaxter, was read the second time. *Ordered*, that said bill lie on the table.

A bill from the House of Representatives, to be entitled an act to provide for assessing and collecting the taxes of this state, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day for to-morrow.

A message from the House of Representatives, by Mr. Hardwick, a member thereof:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, a bill to be entitled an act concerning jurors, and for other purposes; an act to establish a ferry, and appoint commissioners to lay out a certain road therein named; an act to establish certain election precincts therein named, and for other purposes; which they have amended by adding sundry sections thereto, in which your concurrence is desired. All which bills originated in your House. They have also read a third time and passed, an act to provide for transcribing and transferring certain records from Mobile to Baldwin county; an act to alter the time of holding the County Courts of Franklin county; an act to amend the act to incorporate the city of Mobile, passed 17th December, 1819; and, an act to authorize a lottery for building a bridge across Prairie creek, in the county of Greene; which also originated in your honorable body.

On motion, the bill to be entitled an act for the relief of Charles Thaxter, was taken up. *Ordered*, that said bill be committed to the committee on claims.

A bill from the House of Representatives, to be entitled an act supplementary to an act entitled an act, for the relief of securities, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day for to-morrow.

A bill to be entitled an act for the relief of Michael J. Kenan, was read the second time. *Ordered*, that said bill be referred to the committee on University Lands, to examine and report thereon.

A resolution appointing David White and Jesse Beene, Esq.

commissioners in addition to those already appointed, to take charge of the public lands adjoining the town of Cahawba, was read the second time. *Ordered*, that said resolution be engrossed, and made the order of the day, for a third reading on to-morrow.

A bill to be entitled an act to repeal so much of the third section of an act, entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba on the 15th day of June, 1821, as is herein specified, was read the second time. *Ordered*, that said bill be committed to a committee of the whole House, and made the order of the day for to-morrow.

A bill from the House of Representatives, to be entitled, an act to repeal in part and amend an act entitled, an act to constitute a court of oyer and terminer for the trial of slaves, and for other purposes, was read the second time. *Ordered*, that said bill be committed to a committee of the whole house and made the order of the day for to-morrow.

The Senate, according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act for the relief of Thomas Eastin. Mr. Chambers in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under their consideration, but not having time to go through therewith had directed him to report progress and ask leave to sit again, which was refused. *Ordered*, that said bill lie on the table.

A bill from the House of Representatives, to be entitled, an act concerning jurors, and for other purposes, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Hanby moved to disagree to the amendment made by the House of Representatives to the bill to be entitled, an act to establish additional election precincts therein named, so far as the same relates to the establishment of an additional election precinct at the house of George Roberts in the county of Blount; and on the question being put it was resolved in the affirmative. On motion, the Senate concurred in the other amendments, made by the House of Representatives to said bill. *Ordered*, that the secretary inform the House of Representatives thereof.

On motion, the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

On motion the bill to be entitled, an act to repeal in part and amend an act entitled, an act to constitute a court of oyer and terminer for the trial of slaves, and for other purposes, was taken up. On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of said bill. Mr. Garth proposed the following additional section as an amendment to said bill:

"Sec. 6. And be it further enacted, that when a vacancy happens by resignation or otherwise, in any office the appointment of which is vested in the county court, it shall be lawful for the judge of said court and the commissioners of roads and revenue, to make the appointment be-

tween the terms of court; and the appointment shall be as valid as if made at the regular term;" which was adopted.

On motion the Senate adjourned till tomorrow morning 9 o'clock,
Tuesday, December 11, 1821.

The Senate met pursuant to adjournment.

Mr. Gause, from the committee on enrolled bills reported, that said committee had examined the following acts and resolutions, and found the same correctly enrolled, viz: an act supplementary to the several acts in relation to highways, bridges and ferries; an act in relation to the Spanish records in the county of Mobile; an act to authorize a lottery for the purpose of building a bridge on Prairie creek, in the county of Greene; resolutions to request our Senators and Representative in Congress, to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians, relative to the cession of certain parts of their territory; resolutions making it the duty of Harry Toolmin, and of the judges of the supreme and circuit courts of this state to report to the general assembly, any defects or imperfections which may exist in the statutes of this state; and, an act respecting rents; which were accordingly signed by Mr. President.

Mr. Lucas, from the committee on roads, bridges and ferries, to whom was referred the petition of the citizens of the town of Selma, reported a bill to be entitled an act to amend an act, entitled an act to incorporate the town of Selma, in the county of Dallas; which was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to-morrow.

Mr. Ware presented the petition of sundry citizens of Bibb county, praying to be attached to the county of Shelby; which was read and ordered to be referred to the committee on county boundaries.

Mr. Elliott obtained leave to introduce a bill to be entitled an act amendatory of the several laws now in force, for the relief of insolvent debtors; which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. M'Vay obtained leave to introduce a bill to be entitled an act to extend to justices of the peace, jurisdiction in pleas of trespass in certain cases, which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Rose, from the committee on the University Land, to whom was referred the bill to be entitled an act for the relief of Michael J. Kenan, made the following report: "The committee to whom was referred the petition of Michael J. Kenan, have had the same under consideration, and respectfully report, that in their opinion the petitioner is entitled to relief;" which was concurred in.

Mr. Chambers offered the following resolutions: *Resolved*, that

also, that no new business be introduced in the Senate, after to-morrow which was adopted.

The bill to be entitled an act for the relief of Thomas Eastin, was taken up, and read the third time. Mr. Garth moved that the further consideration of said bill, be indefinitely postponed; and on the question being put, it was decided in the negative. Yeas 7, nays 14. The yeas and nays being desired.

Those who voted in the affirmative, are

Messrs. Garth, Gaines, Hogg, Lanier, McVay, Rose and Wingate—7.

Those who voted in the negative, are

Mr. President, Casey, Conner, Chambers, Davis, Devereaux, Dennis, Elliott, Gibson, Hanby, Lucas, May, Trotter and Wingate—14.

Mr. Chambers moved to fill the blank in said bill, with "thirty-three dollars and fifty cents;" and on the question being put, it was decided in the affirmative. Yeas 14, nays 7. The yeas and nays being called for.

Those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Davis, Devereaux, Dennis, Elliott, Gibson, Hanby, Lucas, May, Trotter, Wingate.

Those who voted in the negative, are

Messrs. Garth, Gaines, Hogg, Lanier, McVay, Rose, Ware.

The question was then put, "shall said bill pass?" and decided in the affirmative. *Ordered*, that the title of said bill, be an act for the relief of Thomas Eastin, and that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. Williams, a member thereof:

Mr. President, I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, a bill to be entitled an act to form a sixth Judicial Circuit, and for other purposes therein named; in which they desire your concurrence.

A message from the House of Representatives, by Mr. Philpott:

Mr. President, I am instructed by the House of Representatives, to inform your honorable body, that they concur in the disagreement of the Senate, to the 6th section of the amendments to a bill to be entitled an act to establish certain election precincts therein named, and for other purposes, so far as the same establishes a precinct at the house of George Roberts in Blount county.

A bill from the House of Representatives to be entitled an act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named was read the third time and passed; *Ordered*, that the Secretary notify the House of Representatives thereof.

A bill from the House of Representatives to be entitled an act to repeal in part and amend an act to constitute a court of Oyer & Terminer for the trial of slaves & for other purposes was read the 3d time. Mr. Casey proposed the following amendment to said bill by way of rider:

And be it further enacted, that in all appeals taken from a justice of the peace to the Circuit court, when it shall be made appear to the court that the appeal was taken for delay, the court shall award ten per centum damages. Said amendment was read the first time. On motion the rule which requires all amendments by way of rider to be read on three several days was dispensed with, and said amendment

was read a second time. Mr. Rose moved to fill the blank in said amendment with "15 per centum" and on the question being put it was decided in the affirmative. Yeas 13, nays 5.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Deveraux, Dennis, Elliott, Gaines Hogg, M'Vay, May, Rose, Trotter, Ware, and Wingate.

Those who voted in the negative, are
Messrs. Garth, Gause, Hanby, Lucas, and Laidier,

Mr. Casey moved to strike out the words "Circuit court" in said amendment; and on the question being put it was decided in the affirmative. Mr. Elliott moved, the following proviso to said amendment, *Provided nevertheless*, that this act shall not apply to cases in which appeals shall have been granted previous to the passage of this act," and on the question being put on the adoption of said proviso, it was decided in the affirmative. Mr. Casey moved to strike out the words "passage thereof" in the fourth section of said bill, and insert in lieu thereof the words "the first day of March next," and on the question being put it was decided in affirmative. Said bill was then read the third time and passed. *Ordered*, that the secretary notify the House of Representatives thereof and desire their concurrence.

Mr. Davis presented the petition of Henry Stokes, William Brandon, Samuel Smith, Robert Hamblet and Charles A. Stokes of Madison county, praying the passage of a law, authorizing the county Treasurer of said county to pay the amount of their accounts against said county, for work and labor done by them in repairing the Meridian road from Huntsville to Meridianville; which was read, and on motion referred to the committee on roads, bridges and ferries.

Mr. Lanier presented the petition of sundry citizens of Madison county praying the establishment of a separate court of Chancery, or that the circuit courts may be so organized, that the Judges may have sufficient time allowed them to administer justice in Chancery, as well as at common law; which was referred to the committee on the Judiciary.

On motion *Ordered*, that Mr. Lanier be added to the committee on the Judiciary.

Mr. Wingate obtained leave to introduce a bill to be entitled an act to appoint commissioners to contract for, and superintend the erection of, the public buildings in the county of Wilcox; which was read the first time; on motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Lucas obtained leave to introduce a bill to be entitled an act to extend and enlarge the term of the Circuit court for Franklin county, which was read the first time. On motion *Ordered*, that said bill be referred to the committee on the judiciary to examine and report thereon.

A bill from the House of Representatives, to be entitled an act to form a judicial circuit, and for other purposes therein mentioned, was read the first time. On motion, the rule which requires all bills to be

read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house and made the order of the day for to morrow.

An engrossed bill to be entitled, an act to amend the several acts regulating the proceedings in the courts of law and equity in this state, was taken up, read the third time and passed. *Ordered*, that the secretary notify the House of Representatives thereof and desire their concurrence.

The Senate, according to the order of the day, resolved itself into a committee of the whole house, on the bill to be entitled, an act to provide for assessing and collecting the taxes of this state, and for other purposes, Mr. M'Vay in the chair; and after some time spent thereon the committee rose, Mr. President resumed the chair, and Mr. M'Vay reported, that the committee of the whole had, according to order, had said bill under their consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was granted.

A message from the House of Representatives, by Mr. Philpott, a member thereof:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read the third time and passed, an act to raise a revenue for the support of government for the year 1822; also, an act to apportion the representatives among the several counties of this state, and to divide the state into senatorial districts according to the late census, at a ratio of 1730 for the representative branch; in which they desire the concurrence of your honorable body.

Mr. Davis presented the petition of sundry citizens of Lawrence county, in behalf of John Easley; which was ordered to lie on the table.

On motion the Senate adjourned till to morrow morning at 9 o'clock.

Wednesday, Dec. 12, 1821.

The Senate met pursuant to adjournment.

Mr. Gause, from the committee on county boundaries, to whom was referred the petition of the citizens of Bibb county, reported, a bill to be entitled, an act to alter the boundaries of Bibb and Perry counties; which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be engrossed and made the order of the day for the third reading on to morrow.

The petition of a number of the citizens of Lawrence county, in behalf of John Easley, was taken up, and on motion, referred to the committee on claims.

Mr. Davis obtained leave to introduce a bill to be entitled, an act concerning writs & executions; which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be engrossed and made the order of the day for a third reading on to morrow.

The engrossed resolutions in relation to the road from Uchar bridge to Line Creek, were read the third time, and passed. *Ordered*, that the

secretary inform the House of Representatives thereof, and desire their concurrence.

The engrossed resolution appointing David White and Jesse Beene, Esqrs. commissioners in addition to those already appointed to take charge of the public lands adjoining the town of Cahawba, was read the third time; and on the question "shall said resolution pass?" It was decided in the affirmative--yeas 12, nays 3.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Carey, Conner, Chambers, Deveraux, Dennis, Hancy, Lucas, Lanier, May, Proctor, Ware and Wing, &c.

Those who voted in the negative, are

Mr. President, Davis, Gentry, Gause, Givner, Hogg, McVay and Rose.

Ordered, that the title of said resolution be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act, prescribing the mode by which a jury shall be drawn for the first Circuit Court for Pickens county, was read the third time and passed. *Ordered*, that the Secretary notify the House of Representatives thereof, and desire their concurrence.

Mr. Lucas, from the joint committee, to whom was referred the accounts of Wm. B. Allen, State Printer, made the following report:

"The joint committee, to whom was referred the accounts of Wm. B. Allen, State Printer, respectfully report, that they have examined the accounts exhibited to them by Mr. Allen, which are herewith presented; and they believe the printing done for the state during the political year of 1820-21, must have cost the printer for hand hire, and materials, the sum of eighteen hundred dollars; they are also informed that the printer has received comptrollers warrants on the Treasury, to the amount of nineteen hundred and forty-nine dollars, and on this amount the printer complains of a loss of twelve and a half per cent, and asks remuneration therefor. Your committee are of the opinion, that they cannot take into view any loss sustained by the public printer on the depreciation of comptrollers warrants, as all the officers of Government have participated in a loss of the same description. Your committee are fully persuaded, that the public printer has sustained a loss on the work done by him, for the state, and as such, we believe that the justice of the Legislature, will not suffer an individual to sustain a loss for services rendered the public--more especially, when they take into consideration, that when this work was undertaken, no calculation could be made as to the amount which the work could be done for; and we beg leave, further to remark, that the extra printing necessarily caused by the called session of the Legislature, was unknown to the undertaker at the time he was appointed. Your committee are further informed from the comptroller's books, that the printing done for the state, in the political year 1819-20, cost upwards of two thousand dollars, which was individually contracted for.

"From all these considerations, your committee are of opinion, that it would be just to make an appropriation of five hundred and fifty-one dollars, to Wm. B. Allen, in addition to the sum he has already received, for printing done in the political year of 1820-21; and which they

are fully persuaded will be a very moderate compensation for the services he has rendered as aforesaid."

Ordered, that said report, together with the accompanying accounts, be referred to a select committee, with leave to report by bill or otherwise; whereupon, Messrs. Lucas, Chambers, and Hogg were appointed said committee.

The Senate resumed, as in committee of the whole, the consideration of the bill to be entitled an act to provide for assessing and collecting the taxes of this state---Mr. Garth in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole, had according to order, had said bill under their consideration, and had directed him to report the same as amended; which was concurred in. Mr. Davis moved that said bill be laid on the table; and on the question being put, it was decided in the affirmative. Yeas 11, nays 8.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Davis, Devereaux, Dennis, Gause, Hogg, Lanier, and Ware.

Those who voted in the negative, are

Messrs. Garth, Hanby, Lucas, M'Vay, May, Rose, Trotter, and Wingate.

A bill from the House of Representatives, to be entitled an act to legitimate a certain person therein named, and for other purposes, was read the second time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the third time and passed. *Ordered*, that the Secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled, an act to raise a revenue for the support of government for the year 1822, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house and made the order of the day for to morrow.

On motion, the bill to be entitled, an act to provide for assessing and collecting the taxes of this state was taken up.

Mr. M'Vay moved, to strike out the words "appointed by the judge of the county court and commissioners of the roads and revenue" in the first section of said bill, and insert in lieu thereof, the following, "by the people of the respective counties, in the same manner, at the same places as representatives are chosen, and under the same rules and regulations;" and on the question being put, it was decided in the negative---yeas 9, nays 11.

The yeas & nays being called for, those who voted in the affirmative, are Messrs. Chambers, Devereaux, Dennis, Hanby, Lucas, Lanier, M'Vay, May, Rose.

Those who voted in the negative, are

Mr. President, Casey, Conner, Davis, Elliott, Garth, Gause, Hogg, Trotter, Ware, Wingate.

Ordered, that said bill be made the order of the day for a third reading on to morrow.

A bill from the House of Representatives, to be entitled, an act to ap-

portion the representatives among the several counties of this state, and to divide the state into senatorial districts according to the late census, at a ratio of 1730 for the representative branch, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house and made the order of the day for to-morrow.

The Senate, according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act to form a sixth judicial circuit, and for other purposes therein mentioned, Mr. Chambers in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under consideration and had directed him to report the same as amended; which was concurred in.

Mr. M'Vay moved to strike out the words "the same salary in the section of said bill" and insert in lieu thereof the words "that all judges hereafter to be appointed, shall receive hundred dollars;" and on the question being put, it was decided in the negative. The question was then put, "shall said bill pass?" and decided in the affirmative. *Ordered*, that the secretary notify the House of Representatives thereof, and desire their concurrence.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the following acts and found the same duly enrolled: An act to establish a ferry and appoint commissioners to lay out a road therein named; an act to provide for transcribing and transferring certain records from Mobile to Baldwin county; an act to alter the time of holding the county courts in the county of Franklin; an act to amend the act to incorporate the city of Mobile, passed on the 17th December, 1819; and, an act to establish certain election precincts therein named, and for other purposes; all of which were accordingly signed by Mr. President.

Mr. Casey, from the select committee, to whom was referred the bill to be entitled an act to restrain the emancipation of slaves, and to prevent free persons of colour from coming into this state, reported the same as amended. *Ordered*, that said bill lie on the table.

Mr. Casey obtained leave to introduce a bill to be entitled an act for the relief of Robert H. Gregg; which was ordered to lie on the table.

On motion, the Senate adjourned till half past 3 o'clock, P. M.

Half past three o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Casey obtained leave to introduce a resolution, granting to certain persons, the exclusive right and privilege of fishing in the Alabama river, near Cahawba, upon conditions therein mentioned; which was read the first time. *Ordered*, that said resolution be made the order of the day, for a second reading on to-morrow.

A resolution from the House of Representatives, to instruct our Senators, and request our Representative in Congress, in relation to the census of this state, was read the second time. *Ordered*, that said

resolution be made the order of the day, for a third reading on to-morrow.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, a bill to be entitled an act, to amend the several acts in relation to the establishment of the Bank of the state of Alabama, and to repeal such parts of said acts, as are repugnant to the provisions of this act--in which they desire the concurrence of your honorable body.

Also, they have read a third time and passed, an act, from your House, to establish the temporary seat of justice in the county of Decatur, and for other purposes; which they have amended, by adding several sections thereto, and in which amendments they desire your concurrence.

A bill from the House of Representatives, to be entitled an act to amend an act, entitled an act to reduce into one, the several acts concerning strays, was read the second time. On motion of Mr. Davis ordered that said bill lie on the table, till the 1st day of January next.

A bill from the House of Representatives, to be entitled an act for the punishment of malicious mischief, was read the second time. Mr. Chambers moved that the further consideration of said bill, be indefinitely postponed, and on the question being put, it was decided in the negative. Ordered, that said bill be committed to a committee of the whole, and made to order of the day for to-morrow.

A message from the House of Representatives, by Mr. Morton, a member thereof:

Mr. President; I am instructed by the House of Representatives, to inform the Senate, that they have read the third time and passed, a memorial to Congress, on the subject of connecting the waters of the Tennessee with those of the Alabama; also, an act to alter and amend the several acts now in force, organizing the militia of this state, in which they desire your concurrence.

A bill from the House of Representatives, to be entitled an act concerning jurors, was read the second time. Ordered, that said bill be made the order of the day, for a third reading on to-morrow.

A bill to be entitled an act to amend an act entitled an act to incorporate the town of Selma, was read the second time. Ordered, that said bill be engrossed, and made the order of the day, for the third reading on to-morrow.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act supplementary to an act entitled an act, for the relief of securities--Mr. Elliott in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Elliott reported, that the committee of the whole, had, according to order, had said bill under consideration, and had directed him to report the same without amendment; which was concurred in. The question was then put, "shall said bill pass?" and decided in the affirmative. Ordered, that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Marion, a member thereof:

Mr. President: The House of Representatives have adopted the following Resolution.

Resolved, that a message be sent to the Senate informing them that, this House will be ready at the hour of 7 o'clock P. M. on tomorrow, to proceed to the election of a Judge and Solicitor for the sixth judicial circuit, and judges of the county courts in such counties where vacancies exist; and that the attendance of the Senate is requested in the Representative chamber for that purpose.

The Senate according to the order of the day resolved itself into a committee of the whole on the bill to be entitled an act to repeal so much of the third section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba, on the 15 day of June 1821 as is herein specified, Mr. Casey in the chair and after sometime spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment; which was concurred in. Said bill was then read the third time, and on the question "shall this bill pass" it was decided in the affirmative. Yeas 16, nays 3.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Davis, Deveraux, Dennis, Elliott, Garth, Gause, Laneir, May, Rice, Trotter, Ware and Wingate.—16

Those who voted in the negative, are

Messrs. Hogg, Lucas and McVay.—3

Ordered, that the title of said bill be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to appoint commissioners to contract for and superintend the erection of, the public buildings in the county of Wilcox was read the third time and passed; *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence; a bill to be entitled an act for the relief of Michael J. Kenan, was read the third time, Mr. McVay proposed the following section as an amendment to said bill, by way of rider:

Sec. *And be it further enacted*, that all those who live on the University lands in Franklin county, be also exempt from paying rent for the same for the last year." And on the question being put on the adoption of said amendment, it was decided in the negative. Yeas 2, nays 16.

The yeas and nays being required, those who voted in the affirmative, are

Messrs. Lucas, and McVay.—2.

Those who voted in the negative, are

Mr. President, Casey, Conner, Chambers, Davis, Dennis, Elliott, Garth, Gause, Rice, Laneir, May, Rice, Trotter, Ware and Wingate.—16.

Mr. Wingate moved to fill the blank in said bill with one hundred and eighty dollars and on the question being put it was decided in the

affirmative. The question was then put: "shall said bill pass?" and decided in the affirmative. Yeas 13, nays 4.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Chambers, Davis, Dennis, Ellicott, Gause, Lucas, Lanier, May, Rose, Trotter, Ware, and Wingate—13.

Those who voted in the negative, are

Messrs. Conner, Garth, Hogg, and McVay—4.

Ordered, that the title of said bill be an act for the relief of Michael J. Kenon. *Ordered*, that the secretary notify the House of Representatives of the passage thereof, and ask their concurrence.

On motion of Mr. Chambers, the committee of the whole was discharged from the further consideration of the bill to be entitled an act to extend to Justices of the peace jurisdiction in pleas of Trespass in certain cases. Said bill was then read the third time, and on the question "shall this bill pass?" it was decided in the negative.

On motion of Mr. Garth, the committee of the whole was discharged from the consideration of the bill to be entitled an act amendatory to the laws now in force for the relief of insolvent debtors. Said bill was then read the third time and on the question "shall this bill pass?" it was decided in the affirmative. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the Senate for their concurrence.

A bill from the House of Representatives, to be entitled, an act to amend the several acts now in force, organizing the militia of this state, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house and made the order of the day for to morrow.

A message from the House of Representatives, by Mr. Morton, a member thereof:

Mr. President; I am instructed by the House of Representatives to inform your honorable body, that they have read a third time and passed, an act declaring the Conecuh and Sepulgah rivers public highways, and for other purposes; in which they desire your concurrence.

A bill from the House of Representatives, to be entitled, an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act, was read the first time. *Ordered*, that said bill be made the order of the day for a second reading on to morrow.

On motion, the Senate concurred in the amendment made by the House of Representatives to the bill entitled, an act to establish the temporary seat of justice in the county of Decatur, and for other purposes. *Ordered*, that the secretary acquaint the House of Representatives thereof.

A memorial (which originated in the House of Representatives,) to Congress on the subject of connecting the waters of the Tennessee with those of Alabama, was read the first time. On motion, the rule which required all memorials to be read on three several days was dispensed with, and said memorial was read the second time. *Ordered*, that the same be made the order of the day, for a third reading on to morrow.

A bill from the House of Representatives, to be entitled an act, declaring the Conecuh and Sepulgah rivers, public highways, and for other purposes, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second and third times and passed. *Ordered*, that the Secretary inform the House of Representatives thereof.

On motion, the Senate adjourned till to-morrow morning at 9 o'clock.
Thursday, December 13, 1821.

The Senate met pursuant to adjournment.

Mr. Lucas, from the select committee, to whom was referred the report of the joint committee in relation to the accounts of William B. Allen, state printer, reported a bill to be entitled, an act for the relief of William B. Allen; which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be engrossed and made the order of the day for a third reading on to-morrow.

A message from the House of Representatives, by Mr. Morton, a member thereof:

Mr. President, and Gentlemen of the Senate; I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed the following, memorial and acts which originated in your honorable body, viz: a memorial to the Congress of the United States, praying that the restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, should be removed; an act to incorporate the town of Belle-fonte in the county of Jackson; an act to authorize Peter Ross to establish a toll bridge across Mulberry creek, between the counties of Dallas and Autauga; an act more effectually to enforce the acts of the general assembly of the 21st December, 1820, and of June the 14th, 1821, in relation to roads within this state; an act providing for certain officers; an act to incorporate the town of Demopolis, in Morengo county; and, an act to establish the seat of justice in Blount county; which latter they have amended by adding a proviso and two sections, in which they desire the concurrence of your honorable body.

Mr. Elliott, from the committee on the Judiciary, to whom was referred the bill to be entitled an act, to extend and enlarge the term of the Circuit Court for Franklin county, reported that the matter of the bill had been embraced in the act of the General Assembly, entitled an act to form a sixth Judicial Circuit, and for other purposes, therein mentioned; they therefore, recommend the indefinite postponement of the further consideration of said bill; which was concurred in.

The same committee, to whom was referred the petition of the citizens of Madison county, praying the extension of the terms of the Circuit Courts of Madison county, reported that the subject matter of the petition had been embraced by an act of the General Assembly, entitled an act to form a sixth Judicial Circuit and for other purposes therein mentioned; the committee therefore, recommend the indefinite

postponement of the further consideration of the subject matter of said petition, which was concurred in.

A resolution granting to and his associates, the exclusive right and privilege of fishing in the Alabama river, near the town of Cahawba, was read the second time. Mr. Garth proposed the following proviso to said resolution: "*Provided*, that the parties to whom this privilege is granted, shall never apply to the state to be reimbursed for the expense of repairing the banks for a landing;" which was adopted. Mr. Casey moved to fill the first blank in said resolution, with the name of "David White," and on the question being put, it was decided in the affirmative. Mr. Casey moved to fill the second blank in said resolution, with the words "ten years," and on the question being put, it was decided in the negative. Mr. Rose moved to fill the first blank in said resolution, with the words "five years," and on the question being put, it was decided in the affirmative. Mr. Davis moved to strike out the first section of said resolution; and on the question being put, it was decided in the negative. On motion, the rule which requires all joint resolutions to be read on three several days, was dispensed with, and said resolution was read the third time and passed. *Ordered*, that the title be a resolution, granting to David White, and his associates, the exclusive right and privilege of fishing in the Alabama river, near the town of Cahawba. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

A message from the House of Representatives, by Mr. Philpott, a member thereof.

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read a third time and passed, an act to divorce Sarah M. Bracken, from her husband James A. Bracken, in pursuance of the decree of the Circuit Court of Franklin county, exercising chancery jurisdiction.

A bill from the House of Representatives, to be entitled an act to provide for assessing and collecting the taxes of this state, was read the third time. Mr. Garth proposed the following amendment to said bill, by way of rider.

"*And be it further enacted*, That it shall be lawful for the Judges of the County Courts, and commissioners of the roads and revenue in any county in this state, to direct the collector of the taxes, to collect any current money circulating in their counties, in payment of county taxes, and the collector shall act according to such direction;" which was read the first time. On motion the rule which requires all amendments, by way of rider, to be read on three several days, was dispensed with, and said amendment was read the second and third times and adopted.

Mr. Gause, from the committee on enrolled bills, reported that said committee had examined the following acts, and found the same duly enrolled, viz: an act to form a sixth Judicial Circuit, and for other purposes therein mentioned; an act to repeal in part and amend an act entitled an act to constitute a court of oyer and terminer for the trial of slaves, and for other purposes; an act to authorize the administrator of John Watt, deceased, to sell certain real estate therein named; an act to legitimate a certain person therein named, and for other purposes;

and, an act to establish the temporary seat of justice, in the county of Decatur, and for other purposes---all of which were accordingly signed by Mr. President.

Mr. Davis moved to fill the first blank, in the 8th section of the bill to be entitled an act to provide for assessing and collecting the taxes of this state, with "25 per centum;" the second blank with "twelve," the third blank with "seven," the fourth blank with "six," and the fifth blank with "three per centum;" and on the question being put, it was decided in the affirmative. The question was then put, "shall said bill pass?" and decided in the affirmative. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

A message from the House of Representatives, by Mr. Williamson, a member thereof.

Mr. President: I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, an act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned, in which they desire your concurrence; also, an act to repeal so much of the third section of an act, to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba on the 15th day of June, 1821, as is herein specified; an act to appoint commissioners to contract for, and superintend the buildings in the county of Wilcox; an act amendatory of an act to incorporate the town of Sparta, and for other purposes, passed 3d Dec. 1821; an act to authorize the county court of Butler county, to compensate the commissioners heretofore appointed to fix the seat of justice for said county, and for other purposes; and, an act authorizing a lottery for the benefit of building an academy in town of Montgomery---all of which originated in your honorable body.

A bill from the House of Representatives, to be entitled an act to amend the several acts in relation to the establishment of the Bank of the state of Alabama, and to repeal such parts of said acts, as are repugnant to the provisions of this act, was read the second time. Mr. Gause moved to strike out the 13th section of said bill; and on the question being put, it was decided in the negative. Mr. Casey offered the following proviso, as an amendment to the 10th section of said bill: "and provided also, that no director, stockholder, or other person, shall have a greater credit in said bank, or in any of its branches than --- dollars;" and on the question being put on the adoption of said amendment, it was decided in the negative. Yeas 7, nays 13.

The yeas & nays being called for, those who voted in the affirmative, are Messrs. Casey, Devereaux, Hanby, Hogg, May, Trotter, and Ware.

Those who voted in the negative, are

Mr. President, Conner, Davis, Dennis, Elliott, Garth, Gause, Gaines, Lucas, Lanier, M'Vay, Rose, and Wingate.

Ordered, that said bill be made the order of the day, for a third reading on to morrow.

An engrossed bill to be entitled, an act to alter the boundaries of Bibb and Perry counties, was read the third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

Mr. Garth moved to reconsider the vote of the Senate on the passage of the bill to be entitled, an act to extend to justice's of the peace jurisdiction in pleas of trespass in certain cases; and on the question being put, it was resolved in the negative.

A message from His Excellency, the governor, by J. J. Pleasants, Esq. secretary of state:

Mr. President, and gentlemen of the Senate; I am instructed by His Excellency, the governor, to inform you, that he did on the 12th instant approve and sign, Resolutions to request our Senators and Representative in Congress to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians, relative to the cessions of certain parts of their territory; an act supplementary to the several acts in relation to highways, bridges and ferries; an act to authorize a lottery for the purpose of building a bridge over Prairie creek, in the county of Greene; resolutions making it the duty of Harry Toulmin and of the judges of the supreme and circuit courts of this state to report to the general assembly any defects or imperfections which may exist in the statutes of this state; an act in relation to the Spanish records in the county of Mobile; an act to provide for transcribing and transferring certain records from Mobile to Baldwin county; an act to alter the times of holding the county courts of Franklin county; an act to establish certain election precincts in the counties therein named, and for other purposes; an act to amend the act to incorporate the city of Mobile, passed on the 17th December, 1819; an act to establish a ferry and appoint commissioners to lay out a road therein named: And on this day, an act to establish the temporary seat of justice in the county of Decatur, and for other purposes; all which originated in this honorable body.

On motion, the Senate concurred in the resolution of the House of Representatives, proposing to go into the election of a judge and solicitor of the sixth judicial circuit, and judges of the county courts in such counties where vacancies exist, this evening at 6 o'clock P. M. *Ordered*, that the secretary notify the House of Representatives thereof.

On motion, the Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Gause from the committee on enrolled bills reported, that said committee had examined, an act to repeal so much of the third section of an act entitled, an act to reduce the expenses of the general assembly and for other purposes, passed at Cahawba on the 15th day of June, 1821, as is herein specified, and found the same duly enrolled; which was accordingly signed by Mr. President.

The Senate according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act to alter and amend the several acts now in force, organizing the militia of this state, Mr. Davis in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same as amended.

The question was put, "will the Senate concur in the amendments made by the committee of the whole to said bill?" And decided in the affirmative---yeas 10, nays 9.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Chambers, Dennis, Gause, Hogg, May, Rose, Trotter, Ware.

Those who voted in the negative, are

Messrs Conner, Davis, Deveraux, Elliott, Garth, Hanby, Lucas, Lanier, M'Vay.

On motion, ordered that said bill lie on the table.

A message from the House of Representatives by Mr. Morton:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, an act to appoint commissioners for certain counties therein named, and for other purposes, which originated in your honorable body; and that they have amended the same by three additional sections; in which they desire your concurrence.

A message was received from His Excellency the Governor, informing the Senate that he did on this day approve and sign, an act to repeal so much of the third section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba on the 15 day of June 1821, as is herein specified, which originated in this house.

A message was received from the House of Representatives informing the Senate, that they had disagreed to sundry of the amendments made by the Senate to the bill to be entitled an act to provide for assessing and collecting the taxes of this state; and that they had agreed to a part of the amendments made by the Senate to said bill.

Mr. Gause from the committee on enrolled bills reported, that said committee had examined an act declaring the Conecuh and Sepulgah Rivers public highways, and for other purposes, and found the same duly enrolled: Which was accordingly signed by Mr. President.

A message was received from the House of Representatives by Mr. Weedon, informing the Senate, that they had read a third time and passed an act expressive of the gratitude of the state of Alabama for the services rendered by Samuel Dale to this State.

Mr. Lucas from the committee on roads bridges and ferries, to whom was referred the petition of Edwin Lewis reported, a bill to be entitled an act authorizing Edwin Lewis to open and construct a road in Mobile county, which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with and said bill was read a second time; *Ordered*, that the same be engrossed and made the order of the day for a third reading on tomorrow.

An engrossed bill to be entitled an act concerning writs and executions was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and, that same be sent to the House of Representatives for their concurrence.

A bill from the House of representatives to be entitled an act expressive of the gratitude of the state of Alabama for the services rendered by Samuel Dale to the state, was read the first time. On motion, the

rule which requires all bills to be read on three several days was dispensed with and said bill was read the second and third time and passed.

Ordered, that the secretary inform the House of Representatives thereof.

On motion the Senate adjourned 'till half after six o'clock P. M.

Half passed six o'clock P. M.

The Senate met pursuant to adjournment.

Messrs. Perry and Graham informed the Senate that the House of Representatives were now ready to receive them in their chamber for the purpose of going into the election of a Judge and Solicitor of the sixth judicial circuit, and judges of the county courts to supply such vacancies as may exist.

Whereupon, the members of the Senate repaired to the Hall of the House Representatives, and after taking the seats assigned them, Mr. President arose, and declared the object of the meeting.

Both Houses then proceeded to the election of a Judge of the sixth Judicial circuit, in and for the state of Alabama; Anderson Crenshaw, Marmaduke Williams, and John Edmondson being in nomination.

Those who voted for Mr. Crenshaw, are

Messrs. Casey, Chambers, Davis, Deveraux, Elliott, Gause, Lucas, May, and Wingate. [Reps.] Mr. Speaker, Anderson, Armstrong, Bagby, Carr, Clay, Craig, Dale, Davis, Duckworth, Evans, Elmore, Greening, Graham, Kennedy, Leake, Moore, Morton, Martin, M'Henry, Norwood, Tagert, and Thompson.—32.

Those who voted for Mr. Williams, are

Mr. President, Conner, Dennis, and Hanby. [Reps.] Messrs. Allen, Ayers, Barclay, Beene, Brown, Hardwicke, Jones, King, Magoffin, Perry, Skinner, Smith, Vining, and Weedon.—18

Those who voted for Mr. Edmondson, are

Messrs. Garth, Lanier, Rose, Trotter, and Ware. [Rep.] Messrs. Dabney, Edmondson, Fitzpatrick, Holderness, Murrell, Masterson, Pickett, Philpott, Parham and Williams.—15.

Neither having a constitutional majority, both Houses proceeded to ballot a second time for Judge of the sixth Judicial Circuit; Anderson Crenshaw and Marmaduke Williams in nomination.

Those who voted for Mr. Crenshaw, are

Messrs. Casey, Chambers, Davis, Devereux, Elliot, Gause, Lucas, May, Rose, Trotter, Ware, and Wingate. [Rep.] Mr. Speaker, Anderson, Armstrong, Bagby, Carr, Clay, Craig, Dale, Davis, Duckworth, Evans, Elmore, Fitzpatrick, Greening, Graham, Holderness, Kennedy, Leake, Murrell, Masterson, Moore, Morton, Martin, M'Henry, Norwood, Pickett, Parham, Tagert, and Thompson.—41.

Those who voted for Mr. Williams, are

Mr. President, Conner, Dennis, Hanby and Lanier. [Rep.] Messrs. Allen, Ayers, Barclay, Beene, Brown, Dabney, Hardwick, Jones, King, Magoffin, Perry, Skinner, Smith, Vining, Weedon and Williams.—21.

Anderson Crenshaw, Esq. having a majority of both Houses, Mr. Speaker declared him duly elected Judge of the sixth Judicial Circuit.

Both Houses then proceeded to the election of a Solicitor of the sixth Judicial Circuit. Benjamin Fitzpatrick alone being in nomination: all the members present voting for him, Mr. Speaker declared him unanimously elected.

Both Houses then proceeded to the election of a Judge of the County Court for Henry county; David Caldwell alone being in nomination, and all the members present voting for him, Mr. Speaker declared David Caldwell unanimously elected.

Both Houses then proceeded to the election of a Judge of the County Court for Pike county; Charles Shaw and Andrew Townsend being in nomination.

Those who voted for Mr. Shaw, are

Mr. President, Casey, Conner, Chambers, Davis, Deveraux, Dennis, Elliott, Garth, Hanby, Lucas, Lanier, May, Rose, Trotter, Ware and Wingate. [Rep.] Messrs. Anderson, Armstrong, Ayers, Bagby, Barclay, Beene, Brown, Carr, Clay, Crenshaw, Craig, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Fitzpatrick, Greening, Graham, Hardwick, Holierness, Jones, Kennedy, King, Leake, Magoffin, Murrell, Masterson, Miller, Moore, Morton, Martin, M'Henry, Norwood, Pickett, Philpott, Perry, Parham, Skinner, Smith, Tagert, Thompson, Vining, Weedon and Williamson—63.

Those who voted for Mr. Townsend, are

Messrs. Gause, Hogg and M'Vay. [Rep.] Mr. Speaker, Allen, Montgomery and Williamson—7.

Both Houses then proceeded to the election of a Judge of the County Court for Covington county; James R. Mobley alone being in nomination, and all the members present voting for Mr. Mobley, the Speaker declared him duly elected.

Both Houses then proceeded to the election of a Judge of the County Court of Decatur county; Hezekiah Bailes alone being in nomination, and all the members present voting for him, Mr. Speaker declared him duly elected.

The elections having been gone through, the Senate returned to their own chamber, and Mr. President resumed the chair.

Mr. Hanby moved that the bill to be entitled an act, to establish the permanent seat of justice in Blount county, be laid on the table until the first day of January next; and on the question being put, it was decided in the affirmative. Yeas 12, nays 6.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. President, Chambers, Dennis, Elliott, Gause, Hanby, Hogg, Lucas, Lanier, M'Vay, Rose and Wingate—12.

Those who voted in the negative, are

Messrs. Casey, Davis, Deveraux, Garth, Trotter and Ware—6.

Mr. Hanby obtained leave to withdraw all the papers in relation to the establishment of the seat of justice for Blount county.

On motion, the Senate adjourned till to-morrow morning at 9 o'clock.

Friday, December 14th, 1821.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives informing the Senate that they had read a third time and passed, an act prescribing the mode by which a jury shall be drawn for the first circuit court of Pickens county; and, an act to incorporate the Murder creek navigation company, which originated in this House.

A message was also, received by Mr. Armstrong informing the Senate, that the House of Representatives had concurred in their resolution proposing to appoint a joint committee to memorialize Congress upon the subject of annexing West Florida to this state; and that they had appointed on their part Messrs. Moore, Armstrong and Bagby.

The Senate, according to the order of the day, resolved itself into a committee of the whole on the bill to be entitled, an act to apportion the Representatives among the several counties in this state, and to ad-

vide the state into senatorial districts according to the late census, at a ratio of 1730 for the representative branch. Mr. Elliott in the chair; and after some time spent therein the committee rose. Mr. President resumed the chair, and Mr. Elliott reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same as amended.

The question was put on concurring in the amendment made by the committee of the whole to said bill, by striking out the word "two" after the word "Conecuh" and inserting in lieu thereof, the word "three" and decided in the affirmative---yeas 11, nays 9.

The yeas & nays being desired, those who voted in the affirmative, are Mr. President, Casey, Chambers, Deveraux, Elliott, Garth, Hogg, Lanier, May, Trotter, Wingate.

Those who voted in the negative, are

Messrs. Conner, Davis, Dennis, Gaines, Hanby, Lucas, M'Vay, Rose, Ware.

On motion, the Senate concurred in the other amendments, made by the committee of the whole to said bill. Mr. Davis moved, to strike out all of said bill after the enacting clause, and insert in lieu thereof, the following: "That representation shall be apportioned according to the ratio of one representative for every eighteen hundred and fifty white inhabitants, and it is hereby declared, that the several counties shall be entitled to elect representatives in the following manner, to wit: Madison six, Jackson and Decatur three, Limestone three, Morgan two, Lawrence three, Lauderdale two, Franklin two, Blount one, Jefferson two, Marion and that part of Pickens taken from Marion one, Tuskaloosa and that part of Pickens taken from Tuskaloosa three, St. Clair two, Shelby one, Autauga one, Bibb one, Perry two, Dallas and that part of Butler taken from Dallas two, Montgomery and that part of Pike taken from Montgomery two, Marengo one, Baldwin one, Mobile one, Washington one, Clarke one, Conecuh and that part part of Butler taken from Conecuh two, Wilcox and Greene two, Monroe and that part of Butler taken from Monroe three, Henry and that part of Covington taken from Henry one."

"And be it further enacted, that Washington, Mobile and Baldwin shall form one senatorial district; Conecuh, Henry, Covington and Pike one; Monroe and Butler one; Clarke and Marengo one; Dallas and Wilcox one; Autauga and Montgomery one; Greene and Perry one; Tuskaloosa and Pickens one; Jefferson and Marion one; Blount and St. Clair one; Morgan and Lawrence one; Franklin and Lauderdale one; Limestone one; Madison one; Jackson and Decatur one; Shelby and Bibb one; and each district shall be entitled to elect one senator;" and on the question being put, it was decided in the negative; yeas 4, nays 17.

The yeas & nays being desired, those who voted in the affirmative, are Messrs. Davis, Garth, Hanby, Rose.

Those who voted in the negative, are.

Mr. President, Casey, Conner, Chambers, Deveraux, Dennis, Elliott, Gause, Gaines, Hogg, Lucas, Lanier, M'Vay, May, Trotter, Ware, Wingate.

Said bill was then read the third time and passed. Ordered, that the secretary notify the House of Representatives thereof, and ask their concurrence in the amendment made to said bill.

A message was received from the House of Representatives, by Mr.

Morton, informing the Senate, that they had read the third time and passed, an act prescribing the manner of changing the venue in criminal cases, and for other purposes; in which they desire the concurrence of the Senate.

A message was received from the House of Representatives, by Mr. Philpott, informing the Senate, that they had read the third time and passed, a bill to be entitled an act to authorize the Judge of the County Court, and the commissioners of the roads and revenue of Butler county, to levy an extra tax; in which they desire the concurrence of the Senate.

Mr. Hanby, from the committee on claims, made the following report: "The committee, to whom was referred several claims, beg leave to report, that as some doubts exist in the minds of your committee, as to the propriety of allowing said claims, and as the session is drawing to a close, your committee would recommend, that said claims, together with the papers relating thereto, be laid on the table;" which was concurred in.

On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of the bill to be entitled an act to raise a revenue for the support of government, for the year 1822. Mr. Casey moved to strike out the words "fifty cents," after the words "all white males above the age of twenty-one years, and not exceeding forty-five," in the third section of said bill, and insert in lieu thereof, the words "one hundred cents;" and on the question being put, it was decided in the negative. Yeas 6, nays 15.

The yeas & nays being desired, those who voted in the affirmative, are Messrs. Casey, Davis, Elliott, Gause, Trotter and Ware—6.

Those who voted in the negative, are

Mr. President, Conner, Chambers, Devereaux, Dennis, Garth, Gaines, Hanby, Hogg, Lucas, Lanier, M'Vay, May, Rose and Wingate—15.

Mr. Davis moved to strike out the words "fifty cents," in said section, and to insert in lieu thereof, the words "seventy-five cents;" and on the question being put, it was decided in the negative. Yeas 6, nays 15.

The yeas & nays being desired, those who voted in the affirmative, are Messrs. Casey, Davis, Elliott, Gause, Trotter and Ware—6.

Those who voted in the negative, are

Mr. President, Conner, Chambers, Devereaux, Dennis, Garth, Gaines, Hanby, Hogg, Lucas, Lanier, M'Vay, May, Rose and Wingate—15.

Mr. Rose moved to strike out the words "one dollar," after the words "on all slaves over ten, and under sixty," in the third section of said bill; and on the question being put, it was decided in the negative. Mr. Lanier offered the following additional section to said bill.

"And be it further enacted, That each practising lawyer and physician shall pay a tax of five dollars each;" and on the question being put, on the adoption of said section, it was decided in the negative. Yeas 10, nays 11.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Casey, Conner, Dennis, Elliott, Garth, Hanby, Lanier, M'Vay, Rose, Ware.

Those who voted in the negative, are

Mr. President, Chambers, Davis, Devereaux, Gause, Gaines, Hogg, Lucas, May, Trotter, Wingate.

Mr. Garth moved to strike out the 14th section of said bill, and on the question being put, it was decided in the affirmative. Mr. Davis offered the following additional section to said bill.

"And be it further enacted, That a state tax of _____, be and the same is hereby imposed and placed on all writs issuing, or to be issued, from the several courts of this state, to be collected at the period of the issuance of such writs by the clerk of the court issuing the writ, and to be paid into the state Treasury annually on the first day of December in each and every year;" and on the question being put, on the adoption of said amendment, it was decided in the negative. Said bill was then read the third time and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence in the amendment made to said bill.

Mr. Rose obtained leave of absence for the remainder of the session, after to day.

Mr. Casey moved, that the Senate insist upon their amendments to the bill to be entitled, an act to provide for assessing and collecting the taxes of this state; and on the question being put, it was decided in the affirmative. On motion, the Senate concurred in the proviso added by the House of Representatives to the amendment made by the Senate to said bill. *Ordered*, that the secretary inform the House of Representatives thereof.

An engrossed bill to be entitled, an act for the relief of William B. Allen, was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

The resolution from the House of Representatives instructing our Senators and Representative in Congress in relation to the census of this state, was read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

A memorial to Congress on the subject of connecting the waters of Tennessee with those of the Alabama, was read the third time.

Mr. Hogg proposed the following amendment to said memorial, by way of rider:

"And we further beg leave, to call your attention to the communication of the Pensacola bay with that of Mobile; which we believe can be effected with less expense than any communication, of the same importance, within the United States;" which was read the first time. On motion, the rule which requires all amendments, by way of rider, to be read on three several days was dispensed with, and said amendment was read the second and third time and adopted. Mr. Deveraux proposed the following resolution, as an amendment to said memorial, by way of rider:

"Be it resolved, that one copy of this memorial be forwarded as soon as practicable, to each of our Senators and Representative in the Congress of the United States by His Excellency, the governor, with instructions to use their best endeavours to direct the attention of the national Legislature to the important objects therein referred to;" which was read the first time. On motion, the rule which requires all amend-

ments, by way of rider, to be read on three several days was dispensed with, and said amendment was read the second and third time and adopted. Said memorial was then read the third time as amended, and passed. *Ordered*, that the secretary inform the House of Representatives thereof, and desire their concurrence.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled, an act for the punishment of malicious mischief. Mr. Casey in the chair; and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole, had, according to order, had said bill under consideration, and had directed him to report the same as amended; which was concurred in. The question was then put, "shall said bill pass?" and decided in the affirmative. *Ordered*, that the secretary inform the House of Representatives thereof, and desire their concurrence.

A message was received from the House of Representatives, by Mr. Hardwicke, informing the Senate, that they had concurred in the amendment made by the Senate, to the act to apportion the Representatives among the several counties of this state and to divide the state into senatorial districts according to the late census, at a ratio of 1730 for the representative branch.

Mr. Gause, from the committee on enrolled bills reported, that said committee had examined the following acts, &c. and found the same duly enrolled, to wit: an act to appoint commissioners to contract for, and superintend the erection of the public buildings in the county of Wilcox; an act for the relief of Henry V. Chamberlain; an act amendatory of an act to incorporate the town of Sparta, and for other purposes, passed Dec. 3, 1821; memorial to the Congress of the United States praying, that the restriction imposed by the act of Congress for our admission, exempting lands of the United States from taxation for five years, sold after the passage of said act, should be removed; an act to incorporate the town of Belle-Fonte in the county of Jackson; an act to authorize Peter Ross to establish a toll bridge across Big Mulberry creek between the counties of Dallas and Autauga; an act more effectually to enforce the acts of the general assembly of the 21st December, 1820, and of June 14th 1821, in relation to roads within this state; an act authorizing a lottery for the benefit of building an academy in the town of Montgomery; an act to authorize the county court of Butler county to compensate the commissioners heretofore appointed to fix the seat of Justice for said county, and for other purposes; an act to incorporate the Murder creek navigation company; an act providing for certain officers; an act to incorporate the town of Demopolis in Marengo county; an act prescribing the mode by which a jury shall be drawn for the first circuit court for Pickens county; an act expressing the gratitude of the state of Alabama, for the services rendered by Samuel Dale to this state; and, an act supplementary to an act entitled, an act for the relief of securities; which were accordingly signed by Mr. President.

The Senate adjourned until half past 3 o'clock P. M.

Half past three o'clock P. M.

The Senate met pursuant to adjournment.

A bill from the House of Representatives to be entitled, an act to alter and amend the militia laws of this state, was taken up and read the third time. Mr. Chambers moved, to fill the blank in said bill with the words "eight hundred;" and on the question being put, it was decided in the negative---yeas 10, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Chambers, Deveraux, Dennis, Hogg, Lucas, Lanier, May, Ware.

Those who voted in the negative, are

Messrs. Conner, Davis, Elliott, Garth, Gause, Gaines Hanby, M'Vay, Trotter, Wingate.

Mr. Trotter moved, a reconsideration of the vote of the Senate on filling the blank in said bill with the words "eight hundred;" and on the question being put, it was resolved in the affirmative.

Mr. Gause, moved to fill the blank in said bill with the words "twelve hundred;" and on the question being put, it was decided in the negative---yeas 3, nays 17.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Chambers, Gause, Trotter.

Those who voted in the negative, are

Mr. President, Casey, Conner, Davis, Deveraux, Dennis, Elliott, Garth, Gaines, Hanby, Hogg, Lucas, Lanier, M'Vay, May, Ware, Wingate.

Mr. Chambers, moved to fill the blank with the words "eight hundred;" and on the question being put, it was decided in the negative---yeas 9, nays 11.

The yeas & nays being desired, those who voted in the affirmative, are

Mr. President, Casey, Chambers, Deveraux, Dennis, Hogg, May, Trotter, Ware.

Those who voted in the negative, are

Messrs. Conner, Davis, Elliott, Garth, Gause, Gaines, Hanby, Lucas, Lanier, M'Vay and Wingate---11.

Mr. Hanby moved to fill said blank with the words "five hundred;" and on the question being put, it was decided in the negative. Yeas 4, nays 16.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Garth, Gaines, Hanby and Wingate---4.

Those who voted in the negative, are

Mr. President, Casey, Conner, Chambers, Davis, Deveraux, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, M'Vay, May, Trotter and Ware---16.

Mr. Dennis moved that the further consideration of said bill be indefinitely postponed; and on the question being put, it was decided in the negative. Yeas 8, nays 12.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Conner, Chambers, Dennis, Elliott, Gause, Hanby, Lanier and Trotter.

Those who voted in the negative, are

Mr. President, Casey, Davis, Deveraux, Garth, Gaines, Hogg, Lucas, M'Vay, May, Ware and Wingate.

Mr. Casey moved a reconsideration of the vote of the Senate on the third reading of said bill; and on the question being put, it was decided

in the affirmative. Mr. Davis moved a reconsideration of the vote of the the Senate on concurring in the amendments made by the committee of the whole to said bill; and on the question being put, it was resolved in the affirmative. Mr. Chambers proposed to amend said bill by the following additional sections:

"Sec. *And be it further enacted.* That it shall be the duty of Major Generals to review the militia of their respective divisions, by regiments, at least once in four years; Brigadier Generals shall review their respective brigades at least once in three years, in like manner.

"Sec. *And be it further enacted.* That Brigadier Generals shall be allowed one additional aid-de-camp, who shall have the rank of Captain, to be appointed according to law;" which was adopted. Said bill was then read the third time as amended and passed. Ordered, that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. Philpott, a member thereof.

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they agree to the amendments made by the Senate to the memorial to Congress, on the subject of connecting the waters of the Tennessee river, with those of the Alabama; also, to the act to raise a revenue for the support of government for the year 1822; also, to the act to provide for assessing and collecting the taxes of this state.

They also agree to the first amendments made by your honorable body, to the act for the punishment of malicious mischief; they disagree to the last amendment made by the Senate to said bill; they have also, read a third time and passed, an act to amend an act to establish the temporary seat of justice in certain counties therein named; an act to repeal in part, and amend an act, entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state, passed the 14th day of June last; in which they desire your concurrence.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this state, as may aid the credit and currency of the Treasury notes, which originated in your honorable body, and have made sundry amendments thereto; in which they desire your concurrence.

A message from the House of Representatives, by Mr. Hardwick:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed, an act to repeal in part and amend the 43d section of an act to organize the militia of this state, passed 20th December, 1820, in which they desire your concurrence.

A message from the House of Representatives by Mr. Philpott:

Mr. President; I am instructed by the House of Representatives to inform your honorable body that they have read the third time and passed, an act to regulate the proceedings in chancery suits, in which they desire your concurrence.

A bill from the House of Representatives, to be entitled an act to abolish the fictitious proceedings in cases of ejectment, and for other purposes therein named, was read the first time. On motion the rule which requires all bills to be read on three several days was dispensed with and said bill was read the second and third time and passed. *Ordered*, that the secretary acquaint the House of Representatives thereof.

An engrossed bill to be entitled an act authorizing Edwin Lewis to open and construct a road in Mobile county, was read the third time and passed. *Ordered*, that the title of said bill be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives by Mr. Morton,

Mr. President: I am instructed by the House of Representatives to inform your honorable body that they have read a third time and passed, an act to fix the permanent seat of justice in the county of Montgomery; and an act to amend the laws regulating proceedings upon the claims of property under execution; in which they desire your concurrence.

A bill to be entitled an act to amend the several acts in relation to the establishment of the bank of the state of Alabama and to repeal such parts of said acts as are repugnant to the provisions of this act, was read the first time. Mr Elliott proposed to amend said bill by an additional section by way of rider to wit:

"And be it further enacted, That nothing contained in the provisions of this act shall authorize any bank in this state to become a branch of the state bank, until the President and Directors of such bank wishing to become a branch bank, shall fully and satisfactorily pay, or secure to the President and directors of the bank of the state of Alabama, all the outstanding debts due by such bank wishing to become a branch as aforesaid."

On motion the rule which requires all amendments by way of rider to be read on three several days, was dispensed with, and said amendment was read the second and third time and adopted.

Mr. Casey proposed the following additional section, as an amendment to said bill by way of rider.

"And be it further enacted, That no director, stockholder or other person, shall be allowed a greater credit over and above the stock they hold in the bank, than ten thousand dollars; and on the question being put, on the adoption of said amendment it was decided in the negative, yeas 9, nays 11.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Chambers, Deveraux, Hogg, May, Trotter, Ware, Wingate,--9

Those who voted in the negative, are

Mcarr, Conner, Davis, Dennis, Elliott, Garth, Gause, Gaines, Hanby, Lucas, Leach, and M'Vay,--11

Mr. Casey moved to amend said bill, by way of rider, by inserting after the word "stockholders" in the 2nd line of the 20th section of said bill, the words "or the Copartner of any such director;" and on the question being put it was decided in the affirmative.

The question was then put, "shall said bill pass?" and decided in the affirmative. Yeas 12, nays 8.

The yeas & nays being called for, those who voted in the affirmative, are Messrs. Conner, Davis, Dennis, Elliott, Garth, Gause, Gaines, Hanby, Lucas, Lamer, M'Vay and Wingate.—12

Those who voted in the negative, are

Mr. President, Casey, Chambers, DeVaux, Hogg, May, Trotter, Ware. 8.

Ordered, that the Secretary notify the House of Representatives of the passage thereof, and desire their concurrence in the amendments made to said bill.

On motion of Mr. Elliott, leave of absence was granted to Mr. Garth, for the remainder of session, after to morrow.

On motion of Mr. Wingate, leave of absence was granted to Mr. Hanby, for the remainder of the session, after to morrow.

On motion the Senate adjourned till to morrow morning at 9 o'clock.

Saturday, Dec. 15, 1821.

The Senate met pursuant to adjournment.

Mr. Hanby, from the committee on claims, to whom was referred the petition of Matthew D. Thomason, reported a resolution, appropriating to M. D. Thomason ————— dollars for repairing the bank of the river, near the town of Cahawba; which was read the first time. On motion, the rule which requires all bills and joint resolutions to be read on three several days, was dispensed with, and said resolution was read the second time. Mr. Garth moved that the further consideration of said resolution, be indefinitely postponed; and on the question being put, it was resolved in the affirmative.

Mr. Lucas obtained leave to introduce a bill to be entitled an act making it the duty of the comptroller to issue printed warrants; which was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Casey offered to amend said bill by inserting the words "two, three," after the words "sums of," in the first section of said bill, which was agreed to. Mr. Hogg moved to fill the blank in said bill, with the word "fifty;" and on the question being put, it was decided in the affirmative. On motion, the rule was further dispensed with, and said bill was read the third time and passed. *Ordered*, that the Secretary notify the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled an act to fix the permanent seat of justice for the county of Montgomery, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Gause moved to strike out all of said bill after the enacting clause, and to insert in lieu thereof, an amendment, having for its object, the appointment of commissioners to fix the permanent seat of justice for said county; and on the question being put, it was

decided in the affirmative. On motion, the rule which requires all bills to be read on three several days was further dispensed with, and said bill was read the third time as amended, and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, was taken up. Mr. Casey moved to strike out the names of "Benjamin Hatch, William L. Adams, and Garland Hardwick," in the 4th section of said bill, and insert in lieu thereof, the names of "Samuel Dale, James Magoffin, Josiah Thompson, and Jesse Thompson;" and on the question being put, it was resolved in the affirmative. Mr. Casey then moved to strike out the names of "Josiah Thompson and Jesse Thompson," in the 5th section of said bill, and insert in lieu thereof, the names of "James Magoffin and Garland Hardwick;" and on the question being put, it was resolved in the affirmative. Mr. Dennis moved to strike out the name of "John Gandy," in the first section of said bill, and insert in lieu thereof, the name of "Amos Rowland," and on the question being put, it was resolved in the affirmative. Mr. Lucas moved to strike out the third section of said bill; and on the question being put, it was decided in the affirmative. Said bill was then read the third time as amended, and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

Mr. Chambers offered a resolution allowing the comptroller of public accounts, two hundred and fifty dollars in addition to his present salary; which was read the first time. On motion, the rule which requires all bills and joint resolutions to be read on three several days, was dispensed with, and said resolution was read the second and third times and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

A message from the House of Representatives by Mr. Clay, a member thereof: Mr. President---The House of Representatives have read a third time and passed, an act to alter the boundaries of Bibb and Perry counties; an act authorizing Abraham Skidmore and others, to sell certain real estate; resolutions in relation to the road from Uchee bridge to Line creek; all of which originated in your house. They have, also, read a third time and passed, a resolution authorizing the tax collectors of Madison, Limestone and Lawrence to pay into the Huntsville bank, the amount of taxes due from their respective counties; and an act for the relief of John Easley, in which they desire your concurrence. They disagree to your amendments, to the bill to be entitled, an act to alter and amend the several acts now in force organizing the militia of this state.

Mr. Hanby moved, that the Senate insist upon their amendment to the bill to be entitled, an act to alter and amend the several acts now in force organizing the militia of this state; and on the question being put, it was decided in the affirmative. *Ordered*, that the secretary inform the House of Representatives thereof.

A bill from the House of Representatives, to be entitled, an act to repeal in part and amend an act entitled, an act to regulate the proceedings in the courts of law and equity in this state, passed on the 14th day of June last, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Elliott proposed an amendment to said bill in relation to the jurisdiction of the county court of Mobile county; which was adopted. Said bill was then read the third time, as amended, and passed. *Ordered*, that the secretary inform the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled, an act for the relief of John Easley; was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Davis moved, to strike out all of said bill after the enacting clause, and insert in lieu thereof, an amendment which provides for the payment to the said John Easley of the sum of fifty dollars out of any money in the county treasury of Lawrence county; which amendment was adopted. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the third time, as amended, and passed. *Ordered*, that the secretary notify the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled, an act to extend the time for collecting the tax and making returns to the persons therein named, was, on motion, taken up. Mr. Lucas proposed the following amendment to said bill:

And be it further enacted, that the tax collector of Franklin county, shall be allowed until the first day of March next to make returns, and pay over amount into the treasury. Mr. M'Vay moved, to insert "Lawrence county" after "Franklin county," in said amendment; and, on the question being put, it was decided in the negative. The question was then put on the adoption of the amendment proposed by Mr. Lucas, and decided in the affirmative. Mr. Elliott offered the following amendment to said bill:

"Sec. *And be it further enacted*, that this act so far as the same extends relief to the persons therein named, or so far as the same may effect their securities, shall be of no force or validity, unless the several persons embraced therein shall enter into bond with good and sufficient security, to be approved of by the judge of the county court of their respective counties, conditioned for the payment of the amount of taxes due from them respectively, into the state treasury, at the periods designated in this act; which was adopted. Mr. Casey moved a reconsideration of the vote of the Senate, on filling the blank in said bill in the section which relates to the tax collector of Lawrence county, with the words "15th day of February;" and on the question being put, it was resolved in the affirmative. Mr. Garth moved to fill said blank with the words "first day of April" and on the question being put it was decided in the affirmative. Said bill was then read the third time.

as amended and passed. *Ordered*, that the secretary inform the House of Representatives thereof and desire their concurrence.

A message from the House of Representatives by Mr. Morton :

Mr. President : I am instructed by the House of Representatives to inform your honorable body, that they have passed, a bill to be entitled an act supplementary to an act to establish a State University; in which they desire your concurrence.

A message was received from the House of Representatives, by Mr. Morton informing the Senate that they had disagreed to the amendment made by the Senate to the act to fix the seat of Justice in the county of Montgomery.

A message from the House of Representatives by Mr. Morton :

Mr. President; I am instructed by the house of Representatives to inform your honorable body, that they have read a third time and passed; a resolution allowing to the Comptroller two hundred and fifty dollars in addition to his present salary; which originated in your honorable body. They insist upon their disagreement to the amendments made by the senate to an act to alter and amend the several acts now in force organizing the militia of this State.

On motion, the Senate adjourned till half past 3 o'clock, P. M.

Half past three o'clock, P. M.

The Senate met pursuant to adjournment.

A bill from the House of Representatives to be entitled an act to divorce Sarah M. Barcken from her husband James A. Bracken, in pursuance of a decree of the Circuit court of Franklin county, was read the first time. On motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time, and passed by a constitutional majority. Yeas 10 nays 2.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Conner, Deveraux, Dennis, Elliott, Gaines, Hogg, Lucas, M'Vay, Wingate.

Those who voted in the negative, are

Messrs. Chambers, Trotter.

Ordered, that the secretary notify the House of Representatives thereof.

A message from the governor, by James J. Pleasants, secretary of state:

Mr. President, and gentlemen of the Senate; I am instructed by the governor to inform you, that he did, on this day, approve and sign, an act to authorize Peter Ross to establish a toll bridge across Big Mulberry creek between the counties of Dallas and Antauga; an act more effectually to enforce the acts of the general assembly of the 21st December, 1820, and of the 14th day of June, 1821, in relation to roads within this state; an act providing for certain officers; an act to incorporate the town of Belle-Fonte in the county of Jackson; memorial to the Congress of the United States, praying that the restriction imposed by the act of Congress for our admission, exempting lands of the U. States from taxation for 5 years, sold after the passage of said act, should be removed; an act to authorize the county court of Butler to compensate the com-

missioners heretofore appointed to fix the seat of justice for said county, and for other purposes; an act authorizing a lottery for the benefit of building an academy in the town of Montgomery; an act to appoint commissioners to contract for, and superintend the erection of the public buildings in the county of Wilcox; an act for the relief of Henry V. Chamberlain; an act to incorporate the Murder creek Navigation Company; an act to incorporate the town of Demopolis, in Marengo county; an act amendatory of an act to incorporate the town of Sparta, and for other purposes, passed December 3d, 1821; and, an act prescribing the mode by which a jury shall be drawn for the first Circuit Court for Pickens county.

A bill from the House of Representatives, to be entitled an act to amend an act to establish the temporary seat of justice, in certain counties therein named, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second and third times and passed. *Ordered*, that the Secretary notify the House of Representatives thereof.

A bill from the House of Representatives to be entitled, an act prescribing the manner of changing the venue in criminal cases, and for other purposes, was read the first time. On motion, the rule which requires all bills to read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole House and made the order of the day for Monday next.

A bill from the House of Representatives to be entitled, an act supplementary to an act to establish a state University, was read the first time. On motion, the rule, which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Chambers moved, to strike out the word "thirteen" in the first section of said bill, and insert in lieu thereof the words "two from each judicial circuit;" and on the question being put, it was decided in the affirmative. Mr. Chambers then moved to insert the words "and in half quarter sections" after the word "in" in the 14th section of said bill, and on the question being put, it was decided in the affirmative. Mr. Casey proposed to amend said bill by adding an additional section thereto, to wit:

And be it further enacted, that the said trustees shall have the power to appoint three persons, of their own body, whose duty it shall be to attend to the examination and sale of all the lands, to receive the money arising from the first payment, and to dispose of the same as the trustees may order and direct according to law: *Provided*, the said persons so appointed shall give bond and good security, to be approved of by the said trustees, for the faithful performance of their duty, and that they shall receive such compensation as may be allowed by the said trustees;" which was adopted. Mr. Lucas moved, to strike out the words "seventeen dollars" in the 14th section of said bill, and insert in lieu thereof the words "twenty-five dollars;" and on the question being put, it was decided in the negative. *Ordered*, that said bill be made the order of the day for a third reading on Monday next.

A message was received from the House of Representatives, by Mr. Morton, informing the Senate, that they had read the third time and passed, a resolution concerning the printing of the journals and laws of the present general assembly, and for other purposes; also, a bill to be entitled, an act to repeal in part and amend an act entitled, an act to reduce into one the several acts concerning, roads, bridges & highways; in which they desired the concurrence of the Senate.

A message was also, received by Mr. Morton, informing the Senate that the House of Representatives, had read the third time and passed, an act in relation to the banking institutions in this state; and, an act for the relief of William B. Allen, which originated in this house.

On motion, the bill to be entitled, an act to prevent free persons of color from coming into this state, was taken up and read the first time. Mr. Lanier moved, that the further consideration of said bill be indefinitely postponed; and on the question being put, it was decided in the negative---yeas 7, nays 10.

The yeas & nays being desired, those who voted in the affirmative, are Messrs. Deveraux, Dennis, Elliott, Gause, Lucas, Lanier, Wingate.

Those who voted in the negative, are

Mr. President, Casey, Connor, Davis, Gaines, Hogg, M'Vay, May, Trotter, Ware.

On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be committed to a committee of the whole house and made the order of the day for Monday next.

Resolutions from the House of Representatives, authorizing the tax collectors of Madison, Limestone and Lawrence to pay into the Huntsville bank the amount of taxes due from their respective counties, were read the first time. On motion the rule which requires all joint resolutions to be read on three several days, was dispensed with, and said resolutions were read the second time. *Ordered*, that said resolutions be made the order of the day for a third reading on Monday next.

Mr. Gause moved that the Senate insist upon their amendment to the bill to be entitled an act to fix the permanent seat of justice for the county of Montgomery; and on the question being put, it was resolved in the affirmative. *Ordered*, that the Secretary notify the House of Representatives thereof.

On motion of Mr. Davis, the Senate receded from their amendment to the bill to be entitled an act, to alter and amend the several acts now in force, organizing the militia of this state. *Ordered*, that the Secretary inform the House of Representatives thereof.

On motion, the Senate concurred in their amendment made by the House of Representatives, to the first section of the bill to be entitled an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying banks of this state, as may aid the credit and currency of the Treasury notes.

Mr. Elliott moved that the Senate disagree to the amendment made by the House of Representatives to said bill, by adding two additional sections thereto, and on the question being put, it was resolved in the

affirmative. Ordered, that the Secretary notify the House of Representatives thereof.

A bill from the House of Representatives, to be entitled an act, to repeal in part, the 43d section of an act to organize the militia of this state, and to substitute an amendment thereto, was read the first time. On motion the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that the same be made the order of the day, for a third reading on Monday next.

A bill from the House of Representatives, to be entitled an act concerning jurors was read the third time. Mr. Elliott moved to reconsider the vote of the Senate on the third reading of said bill; and on the question being put, it was resolved in the affirmative. Mr. Elliott then moved to strike out the second section of said bill; and on the question being put, it was decided in the affirmative. Said bill was then read the third time as amended, and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

Mr. Elliott moved that the Senate insist upon their amendment to the bill to be entitled an act for the punishment of malicious mischief, by striking out the proviso at the close thereof; and on the question being put, it was decided in the negative. Yeas 9, nays 9.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Chambers, Davis, Deveraux, Dennis, Elliott, Gaines, M'Vay, May, and Ware.

Those who voted in the negative, are

Mr. President, Casey, Conner, Garth, Hogg, Lucas, Lanier, Trotter, and Wingate.

Ordered, that the Secretary inform the House of Representatives thereof.

A message was received from the House of Representatives, by Mr. Morton, informing the Senate, that they had read the third time and passed, an act concerning executions, which originated in this House; also, an act for the relief of Thomas H. Kirby, tax collector of Jackson county, for the year 1820; in which they desire the concurrence of the Senate.

A message was received from the House of Representatives, by Mr. Allen, informing the Senate, that they insist on their disagreement to the amendments made by the Senate, to the bill to be entitled an act to fix the permanent seat of justice for the county of Montgomery.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the following acts and resolutions, and found the same duly enrolled, viz: an act authorizing Abraham Skidmore, and others, to sell certain real estate; an act to alter the boundaries of Bibb and Perry counties; resolutions in relation to the road from Uchee bridge to Line creek; and, a resolution allowing to the comptroller two hundred and fifty dollars in addition to his present salary; which were accordingly signed by Mr. President.

On motion, the Senate adjourned till Monday morning at 9 o'clock.

Monday, December 17th, 1821.

The Senate met pursuant to adjournment.

Mr. Gause moved that the Senate insist upon their amendment to

the bill to be entitled an act to fix the permanent seat of justice in the county of Montgomery; and on the question being put, it was decided in the affirmative. *Ordered*, that the Secretary inform the House of Representatives thereof.

Mr. Gause moved to reconsider the vote of the Senate, on receding from the amendment to the bill to be entitled an act for the punishment of malicious mischief; and on the question being put, it was decided in the affirmative. Mr. Elliott moved that the Senate insist on their amendment to said bill, by striking out the proviso at the end thereof; and the question being put, it was resolved in the affirmative. *Ordered*, that the Secretary inform the House of Representatives thereof.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the following acts and resolutions, and found the same duly enrolled, viz: an act in relation to the banking institutions in this state; an act for the relief of William B. Allen, State Printer; an act for the relief of John Easley; an act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned, memorial to Congress, on the subject of connecting the waters of the Tennessee river with those of the Alabama; an act to raise a revenue for the support of government, for the year 1822; resolutions instructing our Senators and Representative in Congress in relation to the census of this state: which were accordingly signed by Mr. President.

The Senate took into consideration, the bill to be entitled an act to establish a State University. Mr. Davis moved to strike out the 15th section of said bill, and insert in lieu thereof, the following:

"Sec. 15. And be it further enacted, That the said trustees of the University of Alabama, upon receiving from any purchaser of any tract or parcel of the land, which they are authorized to sell as aforesaid, the one fourth part of the purchase money, so required to be paid as aforesaid, shall issue to such purchaser a certificate, that the purchase of such tract of land has been made by such purchaser, that he has paid the fourth part of the purchase money, and declaring that upon the punctual payment of each and every one of the remaining instalments (the amount of each of which instalments shall be specified in such certificate,) they will convey such tract of land to such purchaser, or his heirs, executors, administrators, or assigns; and should such purchaser assign such certificate, the assignee shall possess all the rights which may have been vested in his assignor.

"Sec. 16. And be it further enacted, That should any person who may purchase any tract of land from the said trustees as aforesaid, or the assignee of such purchaser, fail to make punctual payment of the amount of any one of the instalments which may become due on said tract of land, the land shall be absolutely forfeited to the said trustees, with the money paid thereon; and the said trustees may, and they are hereby authorized, after the expiration of three months from the time of such forfeiture, to dispossess any person or persons who may be in possession of such tract of land, by the writ of unlawful detainer: *Provided*, that such purchaser or his assignee may, at any time within three months after the time at which the first instalment may fall due, which

such purchaser or his assignee may fail to pay as aforesaid, execute a bond or bonds with good and sufficient personal security, for the payment of each of the instalments which may remain unpaid, by the times they shall respectfully become due: and in such case, the land shall remain in the possession of such purchaser, his or her assignee. *And provided also*, that should the said trustees be unable to collect the monies which may become due on the bond or bonds which may be given in the manner herein before required, by reason of the insolvency of the obligors, or for other cause, then said trustees may direct an execution which may be sued out on any judgment which they may recover on any such bond, to be levied on such land which shall be sold by virtue of such execution; and said trustees shall convey such land to the purchaser at such sale, and the proceeds of such sale shall be applied in the first place to the payment of the whole amount which may be due to the said trustees for the said land, either by virtue of the judgment on which such execution may be sued out, or of any lands which they may hold for other instalments, and the remainder of such proceeds, after paying costs, &c. shall be paid over to such purchaser or his assignee, who may be entitled to receive the same."

And on the question being put, on striking out said section, and inserting in lieu thereof, the preceding amendment it was decided in the affirmative. Yeas 13. nays 6.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Casey, Comer, Davis, Deveraux, Dennis, Elliott, Gause, Ginnel, Lucas, M'Vay, May, Trotter and Ware.

Those who voted in the negative, are

Mr. President, Chambers, Garth, Hoge, Lister and Wingate.

Mr. Elliott proposed to amend the additional section offered by Mr. Casey to said bill, by inserting after the words "*And be it further enacted*," the followings: "that each and every of the trustees aforesaid, shall enter into bond with good and sufficient security, in the sum of ——— dollars, payable to the state of Alabama, conditioned for the faithful discharge of the trust and duties reposed in, and confided to them by this act, which bond shall be entered into by the trustees appointed in the several judicial circuits, in the circuits in which such trustees reside before the presiding Judge of such circuit, and by him be forthwith transmitted to the Secretary of state, for the purpose of being filed in his office: *Provided nevertheless*, that should any of the Judges of the several Circuit Courts be elected a trustee as aforesaid, he shall enter into bond as required by this act, before a Judge of any of the circuits adjacent to him; which said bond, or bonds, may be prosecuted to judgment, and recovery be had thereupon in the name of the state of Alabama, against any, and all persons contravening the condition of any such bond or bonds;" which was adopted. Said bill was then read the third time as amended.

Mr. Elliott moved to fill the blank in said amendment with the words "fifty thousand;" and on the question being put, it was decided in the affirmative. Mr. Casey offered the following amendment to said bill, by way of rider:

"And be it further enacted, that the trustees elected, shall meet at on the first Monday of April next, and shall proceed to make the appointments contemplated by this act: *Provided*, that a majority shall make the appointments: *And provided also*, that the appointments shall not be made until 2 o'clock on the Thursday of said week, unless all the trustees elected shall meet previous to that time, then and in that case, the appointments may be made sooner;" which was read the first time. On motion, the rule, which requires all amendments, by way of rider, to be read on three several days was dispensed with, and said amendment was read the second and third time and adopted.

Mr. Chambers moved to fill the blank in said amendment with the words "the town of Tuskalooza;" and on the question being put, it was decided in the affirmative. The question was then put "shall said bill pass?" and decided in the affirmative---yeas 15, nays 5.

The yeas and nays being required, those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Deveraux, Elliott, Gause, Gaines, Hanby, Hogg, Lanier, May, Trotter, Wingate.

Those who voted in the negative, are

Messrs. Davis, Garth, Lucas, McVay, Ware.

Ordered, that the secretary inform the House of Representatives thereof, and ask their concurrence in the amendments made thereto.

A message was received from the House of Representatives, by Mr. Armstrong, informing the Senate, that they had read the third time and passed, a bill to be entitled, an act authorizing Edwin Lewis to open and construct a road in Mobile county, which originated in the Senate, and that they had made sundry amendments thereto; in which they desire the concurrence of the Senate.

A message from the House of Representatives, by Mr. Dodson, their clerk: Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they insist on their amendment to the bill authorizing the issuing of treasury notes, &c.

Mr. Elliott, from the select committee, appointed to take into consideration the subject of memorializing the Congress of the United States in relation to the annexation of West Florida to this state reported a resolution in relation to the annexation of that part of West Florida which lies West of the Apalachicola river; which was read the first time. On motion, the rule which requires all joint resolutions to be read on three several days, was dispensed with, and said resolution was read the second time. On motion, the rule was further dispensed with, and said resolution was read the third time and passed---yeas 17, nays 2.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. President, Casey, Conner, Chambers, Deveraux, Dennis, Elliott, Gause, Gaines, Hogg, Lucas, Lanier, McVay, May, Trotter, Ware, Wingate.

Those who voted in the negative, are

Messrs. Davis, Garth.

Ordered, that the title be as aforesaid: *Ordered*, that the Secretary notify the House of Representatives thereof, and ask their concurrence. Mr. Garth obtained leave to spread his reasons upon the journal, for voting against the passage of said resolution, which are as follows, viz:

I Jesse Winston Garth, Senator from Morgan, enter the following reasons for voting against the resolution, memorializing Congress to annex West Florida to this state: that the territory is sufficient for probably ten or twelve new counties; and from the course pursued this session of the Legislature, new counties are made where the population is admitted, not to pay taxes sufficient to pay the usual assessing and collecting; should this course again be pursued, it will cause the expense of two more judicial circuits in this state, which already has taxes sufficiently high. But, if the said territory is not annexed, it is probable by the existing taxes on property, in a few years the state will be able to dispense with a poll tax, so desirable in a free government.

On motion, the Senate concurred in the amendment made by the House of Representatives, to the act to appoint commissioners for certain counties therein named, and for other purposes. *Ordered*, that the Secretary notify the House of Representatives thereof.

An engrossed bill to be entitled an act to amend an act to incorporate the town of Selma, in the county of Dallas, was read the third time and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

A bill from the House of Representatives, to be entitled an act to repeal in part and amend an act, entitled an act to reduce into one, the several acts concerning roads, bridges, and ferries, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. *Ordered*, that said bill be committed to a committee of the whole House and made the order of the day for to morrow.

A resolution from the House of Representatives, concerning the printing of the journals and laws of the present General Assembly, was read the first time. On motion, the rule which requires all joint resolutions to be read on three several days, was dispensed with, and said resolution was read the second and third times and passed. *Ordered*, that the Secretary inform the House of Representatives thereof.

On motion of Mr. Chambers, the following resolution was adopted: *Resolved* by the Senate, that a committee of three members be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on Samuel Dale, Esq. for the purpose of informing him, that the General Assembly have appointed him a Brevet Brigadier General, with half the pay for life of a Colonel of the United States army; whereupon, Messrs. Chambers, Conner, and Elliott, were appointed a committee on the part of the Senate. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

A message was received from the House of Representatives, by Mr. Morton, informing the Senate, that they had read the third time and passed, a resolution in relation to the annexation to this state, of that part of Florida which lies west of the Apalachicola river, which originated in this House.

A bill from the House of Representatives, to be entitled an act for the relief of Thomas H. Kirby, tax collector for Jackson county, for

the year 1820, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third times and passed. *Ordered*, that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Morton:

Mr. President: The House of Representatives agree to the amendments made by the Senate, to the act concerning jurors, and for other purposes.

They recede from their disagreement to the amendments made by the Senate, to the act to fix the permanent seat of justice for the county of Montgomery; they also recede from their disagreement to the amendments made by the Senate, to the act for the punishment of malicious mischief.

Resolution from the House of Representatives authorizing the tax collectors of Madison, Limestone and Lawrence to pay into the Huntsville Bank the amount of taxes due from their respective counties, was taken up. Mr Casey moved to strike out the name of Lawrence county in said resolution; and on the question being put it was decided in the affirmative. Said resolution was then read the third time as amended and passed. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

A bill from the House of Representatives, to be entitled an act to repeal in part the forty-third section of an act to organize the militia of this state and to substitute an amendment thereto was, read the third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

On motion the committee of the whole was discharged from the further consideration of the bill to be entitled an act to prevent free persons of color from coming into this state. Said bill was then read the third time and on the question "shall said bill pass?" it was decided in the negative, yeas 4. nays 15.

The yeas and nays being called for, those who voted in the affirmative, are:

Messrs. Casey, Conner, Gause, and Ware.

Those who voted in the negative, are:

Mr. President, Chambers, Davis, Deveraux, Dennis, Elliott, Garth, Gaines, Hogg, Lucas, Lanier M'Vay, May, Trotter, and Wingate.

Mr. Gause from the committee on enrolled bills reported, that said committee had examined the following acts and found the same duly enrolled, viz: an act to divorce Sarah M. Bracken from her husband James A. Bracken, in pursuance of the decree of the circuit court of Franklin county, exercising chancery jurisdiction; an act to amend an act entitled an act to establish the temporary seat of justice in certain counties therein named; an act to extend the time for collecting the tax and for making returns, to the persons therein named; an act to alter and amend the several acts now in force, organizing the militia of this state; an act to repeal in part and amend an act entitled an act to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state, passed the 14th day of June last; an act to provide for assessing and collecting the taxes of this state; and

an act to appoint commissioners to lay out certain road therein named and for other purposes: which were accordingly signed by Mr. President.

On motion the committee of the whole was discharged from the further consideration of the bill to be entitled an act prescribing the manner of changing the venue in criminal cases, and for other purposes. Said bill was then read the third time and passed, *Ordered*, that the secretary inform the House of Representatives thereof.

A bill from the House of Representatives to be entitled an act to regulate proceedings in chancery courts was read the first time. Mr. Garth moved that, said bill lie on the table, till the first day of January next and on the question being put it was decided in the affirmative.

Mr. Gause obtained leave to introduce a bill to be entitled an act altering and amending an act entitled an act to form a sixth judicial circuit, and for other purposes, which was read the first time. On motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second and third time and passed. *Ordered*, that the same be sent to the House of Representatives, for their concurrence.

A bill from the House of Representatives, to be entitled an act authorising the Judge of the county court and the commissioners of the roads and revenue, of Butler county, to levy an extra tax for building a court house and jail in and for said county, and for other purposes was read the first time. On motion the rule which requires all bills to be read on three several days was dispensed with and said bill was read the second and third time. Mr. Garth proposed an amendment to said bill by way of rider, authorizing the county court of Monroe county to levy a tax not exceeding thirty seven and a half per centum on the amount of the state tax, for the purpose of paying for the erection of a court house and jail in said county: which was read the first time. On motion the rule which requires all amendments by way of rider to be read on three several days was dispensed with; and said amendment was read the second and third time and adopted. The question was then put "shall said bill pass?" and decided in the affirmative. *Ordered*, that the same be sent to the House of Representatives for their concurrence.

On motion, the Senate concurred in the amendments made by the House of Representatives to the bill to be entitled, an act to authorize Edwin Lewis to open and construct a road in Mobile county. *Ordered*, that the secretary inform the House of Representatives thereof.

On motion, the bill to be entitled, an act to prevent the circulation of small notes, commonly, called change bills, was taken up and read the second time. *Ordered*, that said bill lie on the table.

Mr. Elliott moved, that the Senate insist upon their disagreement to the amendments made by the House of Representatives to the bill to be entitled, an act to authorize the issuing of treasury notes, &c. by adding two additional sections thereto. And on the question being put, it was resolved in the affirmative. *Ordered*, that the secretary inform the House of Representatives thereof.

Mr. Casey moved, that a committee be appointed on the part of the Senate to confer with such committee as may be appointed on the part

of the House of Representatives, on the subject of the disagreement between the two houses, in relation to said amendments; and on the question being put, it was resolved in the affirmative: Whereupon, Messrs. Casey, Lucas, Hogg and Elliott, were appointed said committee. *Ordered*, that the secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Wingate, from the committee on enrolled bills reported, that said committee had examined an act to amend the several acts in relation to the establishment of the bank of the state of Alabama, and to repeal such parts of said acts as are repugnant to the provisions of this act; and found the same duly enrolled; which was accordingly signed by Mr. President.

On motion the Senate adjourned till three o'clock P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Gause from the committee on enrolled bills, reported, that said committee had examined the following acts and found the same correctly enrolled, to wit: an act to fix the permanent seat of justice for the county of Montgomery; an act concerning jurors; and for other purposes; and, an act for the punishment of malicious mischief; which were accordingly signed by Mr. President.

A message from the House of Representatives by Mr. Morton:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have read the third time and passed a resolution returning the thanks of the legislature to Jeremiah Austill, for his heroic exertions, during the late creek war, and particularly for his gallant conduct when in company with Brevet Brigadier General Dale, in the canoe action, on the Alabama river; in which they desire your concurrence. They concur in the resolution of the Senate, proposing a joint committee of both houses to wait on Samuel Dale, Esq. and inform him, that this legislature have appointed him a Brevet Brigadier General, with half pay for life of a colonel in the United States army.

Resolution from the House of Representatives, returning the thanks of the legislature to Jeremiah Austill, for his heroic exertions during the late Creek war, and particularly for his gallant conduct when in company with Brevet Brigadier General Dale, in the canoe action on the Alabama river; was read the first time. On motion, the rule which requires all joint resolutions to be read on three several days ways dispensed with, and said resolution was read the second and third time and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

A message was received from the House of Representatives, by Mr. Morton; informing the Senate, that they had read the third time and passed, an act to make appropriations for the year 1822; in which they ask the concurrence of the Senate.

A bill from the House of Representatives to be entitled, an act to make appropriations for the year 1822, was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with; and said bill was read the second time. Mr. Casey proposed the following amendment to said bill:

"And be it further enacted, that the sum of fifty three dollars and thirty four cents, be appropriated for the payment of William and A. Trigg."

"And be it further enacted, that the sum of nine dollars and eighty one and three fourth cents, be appropriated for the payment of George A. Thrash, for taxes overpaid; which was adopted. Mr. Garth offered the following amendment to said bill:

"And be it further enacted, that the sum of one hundred and thirteen dollars and eighty seven cents be appropriated to Matthew W. M'Clellan, for stationary and wood for the Senate, during the present session; and, that the sum of dollars be allowed Matthew W. M'Clellan for taking charge of the state house, until the meeting of the next general assembly; and that the comptroller draw his warrant on the treasury for that amount;" which was adopted. Mr. Chambers moved to fill the blank in said amendment, with the word "fifty;" and on the question being put, it was decided in the affirmative. On motion, the rule which requires all bills to be read on three several days, was further dispensed with; and said bill was read the third time as amended, and passed. Ordered, that the secretary inform the House of Representatives thereof, and ask their concurrence.

A message from the House of Representatives, by Mr. Philpott:

Mr. President; The House of Representatives agree to the amendments made by the Senate to the resolution; authorizing the tax collectors of Madison, Limestone and Lawrence, to pay into the Huntsville bank, the amount of taxes due from their respective counties. They also, agree to the amendments to the act to authorize the judge of the county court, and commissioners of the roads and revenue, of Butler county, to levy an extra tax.

Mr. Chambers from the joint committee, appointed to wait on Samuel Dale, Esq. and inform him, that this legislature have appointed him a Brevet Brigadier General, with half pay for life of a colonel in the United States army; reported, that said committee had performed that duty, and received the following reply:

"Gentlemen; Permit me, through you, to return the legislature my unfeigned acknowledgements, for the honor they have been pleased to confer upon me, in bestowing upon me the appointment of Brevet Brigadier General of the Militia of this state.

"It will be a source of unfailing pleasure to me, to reflect, that although I have experienced the vigor of a strong constitution, in discharging the arduous duties to which I have been subjected, it has been my peculiar good fortune to meet with the approbation of my fellow citizens. And permit me to assure you, that while it shall please divine providence to enable me gratitude for the expression of public confidence, which you have this day made, shall stimulate me to the exercise of my best exertions for the good of my country. And will you, gentlemen, accept my sincere thanks, for the marked and polite manner, in which you have conveyed to me the sense of the legislature upon the present occasion."

(Signed,)

SAM'L DALE."

To Messrs. Chambers, Elliott and Conner, committee, &c.

A bill from the House of Representatives, to be entitled, an act to

amend the law regulating the proceedings upon the claims of property under execution, was read the first time. Mr. Garth moved, that the further consideration of said bill be postponed, until the 1st day of January next; and on the question being put, it was decided in the affirmative.

A message was received from the House of Representatives by Mr. Morton, informing the Senate, that they had read the third time and passed, an act to make appropriations for the payment of certain claims against the state; in which they desire the concurrence of the Senate.

A bill from the House of Representatives, to be entitled, an act to make appropriations for the payment of certain claims against the state, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read the second time. Mr. Garth moved, to strike out the word "sixteen," in the paragraph of said bill which relates to the payment of John Sibley, and insert in lieu thereof, the words "thirty dollars and fifty cents;" and on the question being put, it was decided in the affirmative. Said bill was then read the third time and passed.

A message was received from the Governor, by J. J. Pleasants, Esq. Secretary of state, informing the Senate, that he did on this day, approve and sign, an act to alter the boundaries of Bibb and Perry counties; resolution allowing the comptroller, two hundred and fifty dollars in addition to his present salary; resolution in relation to the road from Uchee bridge to Line creek; an act for the relief of Wm. B. Allen. State Printer; an act concerning writs, and executions; an act in relation to the banking institutions, in this state; and, an act authorizing Abraham Skidmore and others, to sell certain real estate.

A message from the House of Representatives, by Mr. Morton:

Mr. President; the House of Representatives have agreed to the first, second, fourth, and fifth amendments made by the Senate, to the act supplementary to an act to establish a State University; and have disagreed to the third amendment, and have made sundry amendments to the last amendments made by the Senate to said bill: in which they desire your concurrence.

A message from the House of Representatives, by Mr. Greening:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have appointed on their part. Messrs. Williams, Moore, Greening, and Martin, as a committee to meet the committee on the part of the Senate, to confer on the subject of the last amendment made by the House, to the bill to be entitled an act to authorize the issuing of Treasury notes, &c.

A message was received from the House of Representatives, by Mr. Philpott, informing the Senate, that they had read the third time and passed, an act for the relief of Thomas Eastin; which originated in this House.

Mr. Casey moved that the Senate concur in the amendment made by the House of Representatives to their amendments to the bill to be entitled an act supplementary to an act to establish a State University; and on the question being put, it was decided in the affirmative. Yes

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Casey, Conner, Chambers, Davis, Deveraux, Dennis, Elliott, Garth, Gause, Hogg, May, Trotter and Wingate.

Those who voted in the negative, are

Mr. President, Lucas, Lanier, McVay, and Ware.

Mr. Casey then moved that the Senate recede from their amendments to said bill, to which the House of Representatives disagree; and on the question being put, it was resolved in the affirmative. Ordered, that the Secretary inform the House of Representatives thereof.

On motion the Senate adjourned till tomorrow morning 9 o'clock.

Tuesday, December 18, 1821.

The Senate met pursuant to adjournment.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined, an act for the relief of Thomas Eastin; resolutions in relation to the annexation of that part of Florida, which lies west of the Apalachicola river; an act authorizing Edwin Lewis, to open and construct a road in Mobile county, and for other purposes; and, an act to appoint commissioners for certain counties therein named; and found the same duly enrolled; which were accordingly signed by Mr. President.

A message from the House of Representatives, by Mr. Philpott:

Mr. President; the House of Representatives disagree to the amendment made by the Senate, to the act to make appropriations for the payment of certain claims against the state.

Mr. Casey, from the committee of conference, on the subject of the last amendment made by the House of Representatives, to the act to authorize the issuing of Treasury notes, &c. made the following report:

"The committee appointed on the part of the Senate, to confer with the committee appointed on the part of the House of Representatives, on the subject matter of disagreement on the bill to be entitled an act to authorize the issuing of Treasury notes, &c. have met said committee, and have agreed to report to their respective Houses, the following modification:

To insert the word 'printed' before the word 'note' in the fourth line of the first section, proposed to be added; and before the word 'note,' and after the word 'any' to insert the word printed, in the same section, seventh line.

In the second section proposed to be added, by inserting after the word 'any,' and before the word 'bill,' the word 'printed,' in the 6th line.

And in the fourth line from the close of said section, by inserting between the words 'any' and 'change,' the word 'printed,' which was concurred in. Ordered, that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Philpott:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body, that they have amended the amendment of the Senate, in the third section of their amendment to be entitled an act to make appropriations for the year 1822, by striking out therefrom, the words "one hundred and thirteen dollars and eighty-seven

cents," and inserting in lieu thereof, the words "one hundred and fifteen dollars and twelve and a half cents."

They have further amended the same section of the amendment, by striking therefrom, all that part that makes an appropriation to M. W. McClellan, and inserting the amendment herewith sent; in which amendments, they desire your concurrence.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined the following acts and resolutions, and found the same duly enrolled, to wit: an act to authorize the Judge of the County Court, and the commissioners of the roads and revenue, of Butler county, to levy an extra tax for building a court house and jail, in and for said county, and for other purposes; an act for the relief of Thomas H. Kirby, tax collector of Jackson county, for the year 1820; resolution concerning the printing of the journals and laws of the present General Assembly, and for other purposes; resolutions authorizing the tax collectors of the counties of Madison and Limestone, to pay into the Huntsville Bank, the amount of taxes due from their respective counties; an act to repeal in part and amend the 43d section of an act to organize the militia of this state, passed 20th December, 1820; an act prescribing the manner of changing the venue in criminal cases, and for other purposes; resolution returning the thanks of this Legislature to Jeremiah Atwell, for his heroic exertions during the late Creek war, and particularly for his gallant conduct, when in company with Brevet Brigadier General Dale, in the canoe action, on the Alabama river; which were accordingly signed by Mr. President.

Mr. Elliott moved to reconsider the vote of the Senate, on postponing the further consideration of the bill to be entitled an act to amend the law regulating the proceedings upon the claims of property under execution, till the first day of January next; and on the question being put, it was decided in the affirmative. Said bill was then read the second time. Mr. Elliott moved to amend said bill, by striking out the words "the party claiming said property, and not upon," in the first section of said bill; and on the question being put, it was decided in the affirmative. Said bill was then read the third time as amended, and passed. *Ordered*, that the Secretary inform the House of Representatives thereof, and desire their concurrence.

On motion of Mr. Casey, the Senate concurred in the amendment made by the House of Representatives, to their amendment to the third section of the bill to be entitled, an act to make appropriations for the year 1822. Mr. Casey moved that the Senate concur in the last amendment made by the House of Representatives to said bill; and on the question being put, it was resolved in the negative.

A message from the House of Representatives, by Mr. Dodson, their clerk: Mr. President; I am instructed by the House of Representatives to inform your honorable body, that this House concur in the report of the joint committee, appointed to confer on the amendments to the bill to be entitled an act to authorize the issuing of Treasury notes, &c.

They also concur in the message sent by your honorable body on that subject.

Mr. Gause, from the committee on enrolled bills, reported, that said committee had examined an act supplementary to an act to establish a State University, and found the same duly enrolled; which was accordingly signed by Mr. President.

The Senate, according to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled, an act to repeal in part and amend an act entitled, an act to reduce into one the several acts concerning roads, bridges and highways, Mr. Elliott in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Elliott reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in. Mr. Davis moved, to fill the first blank in said bill with the word "May," the second with "June," the third with "May," and the last with the word "ten;" and on the question being put, it was decided the affirmative. Said bill was then read the third time, and passed. *Ordered*, that the secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Morton:

Mr. President; The House of Representatives disagree to the amendments made by the Senate, to the act to amend the law regulating proceedings upon the claims of property under execution. They also insist on their amendments to the amendment made by the Senate, to the act to make appropriations for the year 1822.

Mr. Garth moved, that the Senate recede from their amendment to the act to amend the law regulating proceedings upon the claims of property under execution; and on the question being put, it was decided in the negative--yeas 8, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Messrs. Casey, Davis, Garth, Gause, M'Vay, Trotter, Ware, Wingate.

Those who voted in the negative, are

Mr. President, Chambers, Devereaux, Dennis, Elliott, Gaines, Hogg, Lucas, Lomer, May.

Ordered, that the secretary inform the House of Representatives thereof.

Mr. Casey moved, that the Senate recede from their amendment to the bill to be entitled, an act to make appropriations for the year 1822; and on the question being put, it was decided in the negative--yeas 7, nays 12.

The yeas & nays being called for, those who voted in the affirmative, are

Messrs. Casey, Davis, Devereaux, Elliott, Garth, May, Wingate.

Those who voted in the negative, are

Mr. President, Connor, Chambers, Dennis, Gause, Gaines, Hogg, Lucas, Lomer, M'Vay, Trotter, Ware

Ordered, that the secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Morton:

Mr. President; I am instructed by the House of Representatives, to inform your honorable body that they insist on their disagreement to the amendment made by the Senate, to the act entitled, an act to amend

the laws regulating proceedings upon the claims of property, under execution. They adhere to their amendment to the amendment of the Senate, to the bill to be entitled, an act to make appropriations for the year 1822. They have also, read three times and passed, a resolution appointing an additional commissioner to fix the seat of justice for Decatur county, in which they desire the concurrence of the Senate. They have read the third time & unanimously passed, a memorial of the legislature of the state of Alabama, on the subject of the claims of Col. Samuel Dale; in which they also, desire your concurrence.

The following message was also received by Mr. Morton:

Mr. President; I am, instructed by the House of Representatives to inform your honorable body, that they have adopted the following resolution, in which they desire your concurrence.

Resolved, that a committee be appointed on the part of this house, to act, jointly, with such committee as may be appointed on the part of the Senate, to inform His Excellency, the governor, that the two houses of the general assembly have gone through all the business before them; and if he has no further communication to make, will be ready to adjourn, *sine die*, at the hour of o'clock this day; and, that they have appointed a committee on their part, to consist of Messrs. Morton, Smith, and Montgomery.

Mr. Elliott moved, that the Senate adhere to their amendment to the act entitled, an act to amend the laws regulating proceedings upon the claims of property, under execution; and on the question being put, it was decided in the affirmative--yeas 5, nays 8.

The yeas & nays being desired, those who voted in the affirmative, are Mr. President, Deveraux, Dennis, Elliott, Gaines, Hogg, Lucas, and May,

Those who voted in the negative, are

Messrs Garth, Gale, Lanier, M'Vay and Trotter,

Ordered, that the Secretary inform the House of Representatives thereof.

On motion of Mr. Garth the Senate receded from their amendment to the bill to be entitled an act, to make appropriations for the payment of certain claims against the state. *Ordered,* that the Secretary notify the House of Representatives thereof.

A Resolution from the House of Representatives, appointing an additional commissioner to fix the seat of justice for Decatur county was read the first time, on motion, the rule which requires all joint resolutions to be read on three several days, was dispensed with, and said resolution was read the second and third time, and passed. *Ordered,* that the secretary inform the House of Representatives thereof.

A memorial to Congress on the subject of the claims of Col. Samuel Dale, was read the first time. On motion the rule which requires all memorials to be read on three several days was dispensed with and said memorial was read the second and third time and passed, unanimously.

Ordered, that the secretary inform the, House of Representatives, thereof.

On motion of Mr. Garth, the Senate concurred in the resolution of the House of Representatives appointing a committee on their part, to

act with such committee as may be appointed on the part of the Senate, to inform His Excellency the Governor that the two Houses of the General Assembly have gone through their business and if he has no further communication to make will be ready to adjourn *Sine die*, at the hour of 5 o'clock this day: whereupon, Messrs. Garth Casey and Deveaux, were appointed on the part of the Senate.

The survey & examination of the Buttahache river, made pursuant to the act of the General Assembly of the 16th June 1821 was this day reported by John D. Terrel Esq. which was read, and ordered, to lie on the table for the present.

A message from the House of Representatives by Mr. Dodson, their Clerk: Mr. President; I am instructed to inform your Honorable body that the House of Representatives concur in the amendment made by the Senate, to the bill to be entitled an act to repeal in part and amend an act entitled an act to reduce into one the several acts, concerning road, bridges and highways. They recede from their disagreement to the amendment made by the Senate, to the bill to be entitled an act to amend the law regulating the proceedings upon the claims of property under execution.

Mr. Gause from the committee on enrolled bills reported, that said committee had examined an act to authorize the issuing of Treasury notes, and to vest authority in the Executive of this state, to apply a certain sum of money therein mentioned, for the purpose of making such arrangements with the specie paying Banks of this state, as may aid the credit and currency of the Treasury notes.

Mr. Casey from the joint committee appointed to wait on His Excellency, the Governor and inform him that the two houses of the General assembly have completed their business; and if he has no further communication to make will be ready to adjourn at the hour of 5 o'clock this day, reported, that said committee had performed that duty, and received for answer from His Excellency that he would make a communication to the Legislature at their meeting tomorrow morning.

On motion, the Senate adjourned till tomorrow morning at 9 o'clock.

Wednesday, December 19, 1821.

Messrs. Bagby and Armstrong, informed the Senate, that the House of Representatives were ready to receive them in their chamber for the purpose of going into the election of Trustees for the State University, whereupon, the members of the Senate repaired to the Hall of the House of Representatives and after having taken their Seats, Mr. President arose and declared the object of the meeting--when both Houses proceeded to the election of two Trustees of the University of the state of Alabama, from the first judicial circuit. George Buchanan, George W. Owen, William Crawford and John Murphy, being in nomination.

Those who voted for Mr. Buchanan, are,

Mr. President, Chambers, Deunis, Elliott, Gause, Hogg, Lucas, Lanier, May, Protter, Ware, (Rep.) Messrs. Bagby, Barclay, Beane, Davis, Hopkins, Kennedy, Norwood, Pickett, Perry, Parham, Tagert, Thompson, Vining--24.

Those who voted for Mr. Owen are,

Messrs. Casey, Chambers, Deveaux, Deunis, Elliott, Lanier, McVay, Protter, Tagert, (Rep.) Mr. Speaker, Allen, Armstrong, Ayer, Bagby, Carr, Clay, Crawford,

Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Graham, Hardwicke, Holderness, Montgomery, Murrell, Moore, Martin, McHenry, Powell, Philpott, Parham, Skinner, Williams, Williamson--39.

Those who voted for Mr. Crawford, are

Messrs. Davis, Devereux, Garth, Gaines, Lucas, M'Vay. (Rep.) Messrs. Allen, Armstrong, Barclay, Clay, Edmondson, Greening, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, Moore, Morton, Martin, M'Henry, Norwood, Powell, Philpott, Perry, Smith, Tagert, Thompson--31.

Those who voted for Mr. Murphy, are

Mr. President, Casey, Davis, Garth, Gause, Gaines, Hogg, May, Wingate. (Rep.) Mr. Speaker, Ayers, Beene, Carr, Crenshaw, Dabney, Dale, Duckworth, Evans, Edmore, Greening, Graham, Hardwicke, Leake, Magoffin, Miller, Morton, Pickett, Skinner, Smith, Vining, Williams, Williamson--32.

George W. Owen and John Murphy, Esquires, having a majority of both Houses, Mr. Speaker declared them duly elected Trustees of the State University.

Both Houses then proceeded to the election of two Trustees of the State University from the second judicial circuit. Dr. George Phillips and Henry Hitchcock being in nomination, and all the members present voting for those gentlemen, Mr. Speaker declared them duly elected Trustees of the State University.

Both Houses then proceeded to the election of two Trustees of the State University from the third judicial circuit. Jack Shackelford, John Brown and Hume R. Field being in nomination.

Those who voted for Mr. Shackelford, are

Messrs. Casey, Conner, Davis, Devereux, Dennis, Elliott, Garth, Gaines, Hogg, Lucas, Lanier, M'Vay, May, Ware, Wingate. (Rep.) Mr. Speaker, Allen, Armstrong, Ayers, Bagby, Barclay, Carr, Clay, Crenshaw, Dale, Davis, Duckworth, Edmondson, Elmore, Greening, Graham, Hardwicke, Holderness, Hopkins, Kennedy, Leake, Montgomery, Murrell, Miller, Moore, Morton, Martin, M'Henry, Norwood, Pickett, Powell, Philpott, Perry, Parham, Smith, Tagert, Vining, Williams, Williamson--34.

Those who voted for Mr. Brown, are

Mr. President, Casey, Conner, Chambers, Dennis, Gause, Gaines, Lanier, Trotter, Ware. [Rep.] Messrs. Allen, Ayers, Barclay, Beene, Carr, Dale, Evans, Hardwicke, Hopkins, Magoffin, Murrell, Pickett, Skinner, Smith, Thompson--25.

Those who voted for Mr. Field, are

Mr. President, Chambers, Davis, Dexeraux, Elliott, Garth, Gause, Hogg, Lucas, M'Vay, May, Trotter, Wingate. [Rep.] Mr. Speaker, Armstrong, Bagby, Beene, Clay, Crenshaw, Davis, Duckworth, Edmondson, Evans, Elmore, Greening, Graham, Holderness, Kennedy, Leake, Montgomery, Magoffin, Miller, Moore, Morton, Martin, M'Henry, Norwood, Powell, Philpott, Perry, Parham, Skinner, Tagert, Thompson, Vining, Williams, Williamson--47.

Jack Shackelford and Hume R. Field having a majority of both Houses, Mr. Speaker declared them duly elected Trustees of the State University.

Both Houses then proceeded to the election of two Trustees of the State University, from the fourth judicial circuit. John M'Kinley, Nicholas Davis and Peter Martin being in nomination.

Those who voted for Mr. M'Kinley, are

Messrs. Conner, Garth, M'Vay, Trotter, Ware. [Rep.] Mr. Speaker, Allen, Armstrong, Bagby, Barclay, Clay, Crenshaw, Dabney, Dale, Davis, Evans, Greening, Graham, Hardwicke, Holderness, Hopkins, Moore, Morton, Martin, M'Henry, Pickett, Powell, Philpott, Perry, Smith, Vining, Williams--32.

Those who voted for Mr. Davis, are

Mr. President, Casey, Conner, Chambers, Devereux, Dennis, Elliott, Garth, Gause, Hogg, Hogg, Lucas, Lanier, M'Vay, May, Trotter, Ware, Wingate. [Rep.] Mr.

Speaker, Allen, Armstrong, Ayres, Bagby, Barclay, Beene, Carr, Clay, Greenhaw, Dabney, Dale, Davis, Edmondson, Evans, Elmore, Greening, Graham, Hardwicke, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, Moore, Morton, Martin, Norwood, Pickett, Powell, Philpott, Parham, Skinner, Smith, Tagert, Thompson, Vining, Williams, Williamson—60.

Those who voted for Mr. Martin, are

Mr. President, Casey, Chambers, Devereux, Dennis, Elliott, Gause, Gaines, Hogg, Lucas, Lanier, May, Wingate. [Rep.] Messrs. Ayres, Beene, Carr, Edmondson, Elmore, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, M'Henry, Norwood, Perry, Parham, Skinner, Tagert, Thompson, Williamson—32.

Nicholas, Davis, Esq. having a majority of both houses, Mr. Speaker declared him duly elected a trustee of the State University.

Neither Mr. M'Kinley nor Mr. Martin having a majority of both houses, they proceeded to ballot a second time for a trustee from said circuit; the same two gentlemen being in nomination.

Those who voted for Mr. M'Kinley, are

Messrs. Conner, Davis, Garth, Gaines, M'Vay, Trotter, Ware. [Rep.] Mr. Speaker, Allen, Armstrong, Bagby, Carr, Clay, Greenhaw, Dabney, Dale, Davis, Evans, Greening, Graham, Hardwicke, Holderness, Hopkins, Leake, Miller, Moore, Morton, Martin, M'Henry, Pickett, Powell, Philpott, Smith, Vining, Williams—35.

Those who voted for Mr. Martin, are

Mr. President, Casey, Chambers, Devereux, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, May, Wingate. [Rep.] Messrs. Ayres, Barclay, Beene, Duckworth, Edmondson, Elmore, Kennedy, Magoffin, Murrell, Norwood, Perry, Parham, Skinner, Tagert, Thompson, Williamson—28.

John M'Kinley, Esq. having a majority of both houses, Mr. Speaker declared him duly elected a trustee of the State University.

Both houses then proceeded to the election of two trustees of the State University, from the fifth judicial circuit. Henry Minor, Thomas Fearn and Isaac Jackson, being in nomination.

Those who voted for Mr. Minor, are

Mr. President, Casey, Chambers, Davis, Devereux, Dennis, Elliott, Gause, Gaines, Hogg, Lucas, Lanier, M'Vay, May, Trotter, Ware, Wingate. [Rep.] Mr. Speaker, Allen, Armstrong, Ayres, Bagby, Barclay, Carr, Clay, Greenhaw, Dabney, Dale, Davis, Duckworth, Edmondson, Evans, Elmore, Greening, Graham, Holderness, Hopkins, Kennedy, Leake, Montgomery, Magoffin, Murrell, Miller, Moore, Morton, Martin, M'Henry, Norwood, Pickett, Powell, Philpott, Perry, Skinner, Smith, Tagert, Thompson, Vining, Williams, Williamson—59.

Those who voted for Mr. Fearn, are

Messrs. Conner, Davis, Garth, Gaines, M'Vay, Ware. [Rep.] Mr. Speaker, Allen, Armstrong, Barclay, Clay, Greenhaw, Dabney, Davis, Edmondson, Evans, Greening, Graham, Holderness, Hopkins, Leake, Montgomery, Murrell, Moore, Morton, Martin, Powell, Philpott, Perry, Parham, Skinner, Smith, Williams, Hardwicke—34.

Those who voted for Mr. Jackson, are

Mr. President, Casey, Conner, Chambers, Devereux, Dennis, Elliott, Garth, Gause, Hogg, Lucas, Lanier, May, Trotter, Wingate. [Rep.] Messrs. Ayres, Bagby, Carr, Dale, Duckworth, Elmore, Hardwicke, Kennedy, Magoffin, Miller, M'Henry, Norwood, Pickett, Parham, Tagert, Thompson, Vining, Williamson—33.

Henry Minor and Thomas Fearn, having a majority of both houses, Mr. Speaker declared them duly elected trustees of the State University.

Both houses then proceeded to the election of two trustees from the sixth judicial circuit. John Herbert, Clement C. Billingsley and R. W. Carter being in nomination.

Those who voted for Mr. Billingsley, are

Mr. President, Casey, Conner, Chambers, Davis, Dennis, Elliott, Gause, Hogg, Lucas, Lanier, Trotter, Wingate. (of the Senate.) Mr. Speaker, Allen, Armstrong, Ayres, Bagby, Carr, Clay, Dabney, Davis, Duckworth, Edmondson, Evans, Elmore, Hardwicke,

Hopkins, Kennedy, Locke, Montgomery, Murrell, Miller, Moore, Morton, Martin, M. Henry, Norwood, Pickett, Powell, Philpott, Parham, Perry, Smith, Tagert, Vining, Williams, Williamson, Skinner. [Rep.]—49.

Those who voted for Mr. Carter, are

Messrs. Casey, Collier, Davis, Deveraux, Garth, Gaines, M'Vay, Trotter, Ware, Wingate, (of the Senate.) Mr. Speaker, Allen, Armstrong, Barclay, Carr, Clay, Crenshaw, Dabney, Dale, Davis, Edmundson, Evans, Greening, Graham, Hardwicke, Holdeferres, Hopkins, Locke, Montgomery, Magoffin, Miller, Moore, Morton, Martin, M. Henry, Norwood, Pickett, Powell, Philpott, Perry, Smith, Tagert, Thompson, Williams, &c.

Those who voted for Mr. Herbert, are

Mr. President, Chambers, Deveraux, Dennis, Elliott, Garth, Gause, Gaines, Hogg, Lucas, Lanier, M'Vay, Ware, [of the Senate.] Mr. Ayers, Bagby, Barclay, Crenshaw, Dale, Duckworth, Elmore, Graham, Kennedy, Magoffin, Murrell, Parham, Skinner, Thompson, Vining, Williamson, [Rep.]—29.

Clement C. Billingsley and R. W. Carter having a majority of both houses, Mr. Speaker, declared them duly elected trustees of the state University.

The elections having been gone through, the Senate withdrew, and returned to their own chamber; and Mr. President resumed the chair.

Mr. Gause from the committee on enrolled bills, reported, that said committee had examined, an act to repeal in part and amend an act entitled a act to reduce into one the several acts concerning roads, bridges and ferries; an act to to make appropriations for the payment of certain claims against the state; resolution appointing a commissioner to act with other commissioners in fixing the temporary seat of justice for Decatur county; memorial of the legislature of the state of Alabama, on the subject of the claims of colonel Saml. Dale; an act to amend the law regulating proceedings upon the claims of propriety under execution; and, an act to make appropriations for the year 1822; and found the same duly enrolled; which were accordingly signed by Mr. President.

A message was received from the House of Representatives, by Messrs. Greening and Williams, informing the Senate, that they had gone through their business and are ready to adjourn *sine die*.

On motion of Mr. Elliott, the following resolution was adopted:

Resolved, that a committee be appointed by this house to act with such committee as may be appointed on the part of the House of Representatives for the purpose of waiting on his Excellency, the governor, and to inform him that the two houses, have gone through the business before them, and are now ready to adjourn *sine die*.

Whereupon, Messrs. Elliott, Chambers, May and Deveraux, were appointed said committee. *Ordered*, that the secretary inform the House of Representatives thereof.

A message from the governor, by James J. Pleasants, Esq. secretary of state:

Mr President, and gentlemen of the Senate; I am instructed by the governor to inform this house, that he did on the 18th instant approve and sign, an act for the relief of Thomas Eastin; an act to appoint commissioners for certain counties therein named; an act to authorize Edwin Lewis to open and construct a road in Mobile county, and for other purposes; resolutions in relation to the annexation of that part of West Florida, which lies West of the Apalachicola river; and on this day, an act to authorize the issuing of treasury notes, and to vest author-

ity in the executive of this state to apply a certain sum of money, there-
in mentioned for the purpose of making such arrangement with the spe-
cie paying banks of this state as may aid the credit and currency of the
treasury notes.

Mr. Elliott, from the committee appointed to wait on the governor,
reported, that the committee had performed that duty, and received for
answer that he had no further communications to make.

Ordered, that the secretary inform of the House of Representatives
that the Senate have gone through their business and are ready to ad-
journ *sine die*.

On motion, of Mr. Wingate, the following resolution was adopted:

Resolved, that the thanks of this house be presented to Major John
D. Terrell for the faithful discharge of his duty, as President of this
house during the present session. Whereupon, the President rose and
addressed the Senate in the following manner:

The kind expressions of the Senate, will always be appreciated as
they ought; they will afford a constant and fond recollection. This day
will produce a separation of gentlemen long associated in the great du-
ties of the Senate. The commands of the constitution return each one
into the private walks of life.

The object of legislative assemblies is the production of the sentinel
constantly upon the watch for the general welfare; how far this body
has stood close to this great duty, is for posterity to determine; I have
only one wish---it is this, that should any thing have been done, which by
any possibility, may operate unfriendly to the rights of the country, that
a kind providence may overrule and arrest its progress. And now gen-
tlemen, when we come to be separated, perhaps forever, I pray you to
accept the liveliest sensibilities of my heart, that every one of you may
be borne to the bosom of your families, and your country be loaded
with the riches blessing of an ever protecting providence!

On motion, the Senate adjourned *sine die*.

JOHN D. TERRELL,

President of the Senate.

(Attest.) FRANCIS S. LYON,
Secretary of the Senate.

December 19, 1821.